

Queensland



POLICE SUPERANNUATION ACT 1974

**Reprinted as in force on 22 December 1995
(includes amendments up to Act No. 58 of 1995)**

Warning—see last endnote for uncommenced amendments

Reprint No. 1

**This reprint is prepared by
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Information about this reprint

This Act is reprinted as at 22 December 1995. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (pt 4, div 2)
- update references (pt 4, div 3)
- express gender specific provisions in a way consistent with current drafting practice (s 24)
- use gender neutral office names (s 25)
- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- reorder definitions and other provisions consistent with current drafting practice (ss 30 and 30A)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (ss 37, 39 and 40)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)
- correct minor errors (s 44).

Also see endnotes for information about—

- **when provisions commenced**
- **provisions that have not commenced and are not incorporated in the reprint**
- **editorial changes made in the reprint, including—**
 - **table of changed names and titles**
 - **table of changed citations and remade laws**
 - **table of obsolete and redundant provisions**
 - **table of corrected minor errors**
 - **table of renumbered provisions.**

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POLICE SUPERANNUATION ACT 1974

[as amended by all amendments that commenced on or before 22 December 1995]

An Act relating to the provisions of superannuation benefits for members of the police force, to make provision for the families of those members, and for other purposes

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *Police Superannuation Act 1974*.

Application of Act

3. Subject to any provision of this Act that prescribes for the application of any provision of this Act, this Act applies to and in relation to—

- (a) a person who becomes a member on or after the commencement of this Act; and
- (b) a person—
 - (i) who was a member of the police force within the meaning of the 1968 Act immediately before the commencement of this Act; and
 - (ii) who continues on the said commencement to be a member; and
 - (iii) who is not a continuing contributor; and
- (c) a continuing contributor; and
- (d) a person to whom the 1968 Act, section 54 relates who again becomes a member after the commencement of this Act; and

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- (e) a relict of any person referred to in paragraph (a), (b), (c) or (d); and
- (f) a child of any person referred to in paragraph (a), (b), (c), (d) or (e) or of a deceased or divorced spouse of any such person other than—
 - (i) in the case of a child of a relict—a child born on or after the passing of the *Superannuation Acts Amendment Act 1984* and the death of the contributor or pensioner that is not the issue of the contributor or pensioner; and
 - (ii) in the case of a child of a divorced spouse—a child that is not the issue of the contributor or pensioner;

but unless a member being a person to whom paragraph (b) relates—

- (g) who, not being bound to contribute under the 1968 Act unless the member elected so to do, did not so elect before the commencement of this Act; or
- (h) who was not a contributor under the 1968 Act immediately before the said commencement by reason that the member had been wholly exempted by the board from the requirement to contribute under that Act or that the member's liability to so contribute had been deferred without limit of time;

elects to contribute under this Act within a period of 6 months after the commencement thereof, this Act shall be deemed not to apply, or to have at any time applied, to and in relation to that member.

Members may elect

3A.(1) A regulation may declare that a member may elect to become a member of a scheme for the provision of superannuation, retirement, provident or other benefits comparable to the class of benefits available to the member under this Act.

(2) A regulation made for the purposes of subsection (1) must declare the conditions on which a member may elect to become a member of a scheme mentioned in the subsection.

(3) This Act and the 1968 Act cease to apply to a member who becomes a member of a scheme mentioned in subsection (1) under an election made

under this section.

(4) In respect of a member who makes an election under this section, the actuary must determine an amount that represents the member's entitlement under this Act and the 1968 Act.

(5) The amount determined under subsection (4) must be paid on behalf of the member in such way as is specified in the relevant regulation.

Act not to apply to certain members

3B. Despite section 3, a member may become a contributor on and after 1 January 1993 only if the member makes an election under section 33(2B).

Interpretation

4.(1) In this Act—

“actuary” means a fellow or associate of the Institute of Actuaries (London), a fellow or associate of the Faculty of Actuaries (Edinburgh), or any other person whose actuarial knowledge and experience the Governor in Council deems sufficient, appointed under this Act as actuary.

“age for retirement” of a member means 60.

“board” means the Police Superannuation Board constituted under section 6.

“child”, in relation to a contributor or pensioner, a relict of a contributor or pensioner, or a deceased or divorced wife of a contributor or pensioner, means a person who—

- (a) is under the age of 16 years; and
- (b) is not an offspring of—
 - (i) a marriage of a pensioner contracted after the pensioner's retirement; or
 - (ii) the remarriage of a relict of a contributor or pensioner after his or her death or of a divorced wife;

and includes a person over that age but under the age of 25 years who is receiving, in the opinion of the board, full-time education at a school,

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college or university.

“child’s pension” means a pension payable under part 4, division 3.

“continuing contributor” means a contributor who immediately before the commencement of this Act was a contributor under the 1968 Act and who on the said commencement continued to be a contributor under the said Act, and includes—

- (a) a person to whom section 24(3) relates who having been a contributor under the 1968 Act or an Act repealed by that Act again becomes a member after the commencement of this Act;
- (b) a person who became a member before the said commencement and who had elected, or was required, to contribute to the fund under the 1968 Act but who had not commenced contributions before that commencement.

“contributor” means a member who contributes under this Act to the fund and includes—

- (a) a member who is required to contribute thereto but has not commenced contributions;
- (b) a member who has ceased to contribute thereto by reason of the member’s age or incapacity.

“contributor’s pension” means a pension that is payable under this Act to a contributor other than an incapacity pension.

“final average increase in salary” in relation to a continuing contributor means the amount by which the contributor’s final average salary exceeds the fortnightly salary that the member would have received during the year immediately preceding the member attaining the age for retirement or the member’s earlier retirement from or death in service had the member’s salary remained constant at the rate in force at the date immediately before the commencement of this Act or, where the contributor is a person to whom section 24(3) relates, the rate in force at the date when the member was retired on the grounds of incapacity as mentioned in that subsection.

“final average salary” means—

- (a) in relation to a contributor who on or after the passing of the *Superannuation Acts Amendment Act 1984* attains the age for

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retirement or earlier retires from employment as a member otherwise than by retiring or being retired on grounds of incapacity and who has received 1 or more increases in salary by reason of 1 or more promotions received by the contributor after the passing of that Act and during the 2 years immediately preceding the contributor attaining the age for retirement or the contributor's earlier retirement—the final average salary ascertained in accordance with section 4A; and

- (b) in relation to any other contributor—the average fortnightly salary received by the contributor during the year immediately preceding the contributor attaining the age for retirement or the contributor's earlier retirement from or death in employment as a member.

“fund” means the Police Superannuation Fund preserved, continued in existence and established under this Act.

“incapacity” means any mental or bodily infirmity by reason whereof a member is unfit to discharge or incapable of discharging the duties of the member's office efficiently.

“incapacity pension” means a pension that is payable under this Act to a contributor who before attaining the age for retirement is retired or permitted to retire on the grounds of incapacity not due to wilful action on the part of such person for the obtaining of such pension.

“manager” means the manager of the fund and the chief executive officer of the board.

“member” means—

- (a) a member of the police force as defined in the *Police Act 1937*, section 4;
- (b) a member of the police service as defined in the *Police Service Administration Act 1990*, provided that a member or class of member of the police service may be declared by regulation not to be a member for the purposes of this Act.

“net earning rate of the fund” means the rate of interest as determined by the board, from time to time, on the advice of the actuary which rate, at the time it is determined, reasonably reflects the after tax earnings of the fund (on a long term basis) derived from the investment of contributors' contributions to the fund, having regard to administrative

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costs of the fund, the costs of death and incapacity benefits and the charges incurred in the investment of those contributions.

“pensioner” means a person who is entitled to a pension under this Act and includes a person who, but for an election under section 45, would be entitled to such a pension.

“relict” means, in relation to a person who has died and was at the date of the person’s death a contributor or pensioner, a person who was legally married to the deceased person at the date of death and, in the case of a deceased pensioner, at the date of the person attaining the age for retirement or the person’s earlier final retirement from employment as a member.

“relict’s pension” means a pension payable under part 4, division 2.

“retired” in relation to employment as a member, means retired or required to retire from that employment by the Governor in Council or the commissioner of the police service.

“salary” means the rate of payment made by way of fixed remuneration to a member and does not include any sum paid by way of fee or allowance.

“service” means any period during which a person contributes, whether before or after the commencement of this Act, to the fund under this Act, the 1968 Act or any Act repealed by the 1968 Act, and includes any period in respect of which the person is or was required to contribute thereto and before the first of the person’s contribution is or was paid to the fund.

“the 1968 Act” means the *Police Superannuation Act 1968*.

(2) For the purposes of subsection (1), definition **“service”**—

- (a) where a person having been retired or permitted to retire from the person’s employment as a member and having been in receipt of an incapacity pension under this Act or incapacity benefit under the 1968 Act or incapacity allowance preserved and continued by that Act, again becomes a member—the period during which the person was so absent shall be deemed to comprise part of the person’s service; and
- (b) where a person has received a refund of the person’s contribution to the fund or the Police Superannuation Fund established under

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the repealed provisions as defined in the 1968 Act, section 4 whether under this Act or, in relation to annuity benefit, under the 1968 Act or, in relation to superannuation allowances, under the said repealed provisions and has subsequently recommenced contributing to the Police Superannuation Fund or the fund—the person’s employment before the date on which the person recommenced shall be deemed not to comprise part of the person’s service.

(3) For the purpose of ascertaining the final average salary of a person who is a pensioner or has died in service as a member the salary received by that person during the period of 1 year immediately preceding the person attaining the age for retirement or the person’s earlier retirement from or death in service shall include any increase in salary of a rank held by the person at any time during that period.

(4) For the purposes of subsection (1), definition “**final average salary**”, a reference to the period of a year immediately preceding the person attaining the age for retirement or the person’s earlier retirement from or death in service shall, in the case of a contributor whose length of service at the time of the person’s retirement or death is less than 1 year be read as a reference to the person’s actual period of service.

(5) For the purposes of subsection (1), definition “**final average increase in salary**”, a reference to the period of a year immediately preceding the person attaining the age for retirement or the person’s earlier retirement from or death in service shall be a reference to a period after the commencement of this Act and shall in the case of a continuing contributor whose length of service after the commencement of this Act at the time of the person’s retirement or death is less than 1 year, be read as a reference to the person’s actual period of service after the said commencement.

(6) A reference in this Act to a period expressed in years shall, where appropriate, be read as including a reference to a period expressed in years together with a fraction of a year being a fraction consisting of a completed whole month or 2 or more such months.

(7) Where at any time during the period of 1 year immediately preceding the time of the person attaining the age for retirement or the person’s earlier retirement from or death in service a contributor has been absent on secondment to employment other than as a member or absent from duty on less than full pay, the person’s final average salary or the person’s final

average increase in salary shall be calculated as if the person continued to receive his or her full pay as a member during the whole of that period.

(7A) Notwithstanding any other provision of this Act; where the employment of a contributor as a member ceases at any time after the contributor has attained an age that is within 5 years immediately preceding the day on which the person would attain the age for retirement otherwise than by reason of the person's death or having been retired or permitted to retire on the ground of incapacity then, for the purposes of this Act, the contributor shall be deemed to have elected to retire at the time when the employment ceased.

Ascertainment of certain final average salaries

4A.(1) Where a contributor, on or after the passing of the *Superannuation Acts Amendment Act 1984*, retires from employment as a member otherwise than by retiring or being retired on the ground of incapacity and has received t increase(s) in salary (where t is a positive whole number) by reason of t promotion(s) received by the contributor on or after the passing of that Act and during the 2 years immediately preceding the contributor attaining the age for retirement or the contributor's earlier retirement, the contributor's final average salary shall be ascertained in accordance with the formula—

$$\text{if } t=1 \quad \text{FAS}_t = A + \left[(B_t - A) \frac{n_t}{24} \right]$$

$$\text{if } t \text{ is greater than } 1 \quad \text{FAS}_t = \text{FAS}_{t-1} + \left[(B_t - B_{t-1}) \frac{n_t}{24} \right].$$

(2) In subsection (1)—

“A” means the contributor's final average salary had the contributor not received any increases in salary by way of promotion(s).

“ B_t ” means the contributor's final average salary had the contributor held the t^{th} promotion for the period of 1 year immediately preceding the contributor attaining the age for retirement or the contributor's earlier retirement from employment as a member.

“ FAS_t ” means the final average salary after t promotion(s) to be ascertained.

“**n**” means the number of whole months from the date on which the contributor received the t^{th} promotion until the day immediately preceding the day the contributor attained the age for retirement or the contributor’s earlier retirement from employment as a member.

PART 2—ADMINISTRATION

Police Superannuation Board

6.(1) There is established the Police Superannuation Board.

(2) The board consists of the following 4 members—

- (a) the commissioner of the police service;
- (b) 1 person as representative of the Government;
- (c) 2 persons as representatives of police officers.

(3) The members of the board mentioned in subsection (2)(b) and (c) (the “**appointed members**”) are to be appointed by the Governor in Council by gazette notice.

(4) The persons mentioned in subsection (2)(c) are to be nominated by 1 or more industrial unions of employees accepted by the Minister as representative of police officers within the time and in the way determined by the Minister.

(5) However, if an industrial union of employees fails to make a nomination within the time and in the way determined by the Minister, the Governor in Council may choose a person for appointment.

(6) An appointment as a member of the board is for a maximum term of 3 years.

Board to be body corporate

7.(1) The board shall be a body corporate under the name prescribed by section 6(1) and by that name shall have perpetual succession and an official seal and shall be capable in law of suing and being sued in its corporate name and of acquiring, holding, leasing and disposing of property, real and

personal, movable and immovable, and of doing and suffering all such other acts, matters and things, as bodies corporate may by law do and suffer.

(2) All courts, judges, and persons acting judicially shall take judicial notice of all appointments of members of the board and of their respective signatures as well as of the appointment of the manager and of the manager's signature, and of the seal of the board affixed to any document or other writing whatsoever, and, until the contrary is proved, shall presume that every such signature or such seal, as the case may be, was duly affixed to any document or other writing whatsoever.

Chairperson of board

8. The member of the board mentioned in section 6(2)(a) is the chairperson of the board.

Deputies of members

10.(1) The Governor in Council may, by gazette notice, appoint a person who is not a member of the board to be a deputy of a member of the board.

(2) The appointment of a deputy for a member mentioned in section 6(2)(c) is to be made on the nomination of 1 or more of the industrial unions of employees accepted by the Minister as representative of police officers.

(3) A person who has been appointed a deputy of a member may, in the absence of the member—

- (a) attend meetings of the board; and
- (b) exercise the powers of a member.

(4) This Act applies to the deputy of a member while acting under subsection (3) as if the deputy were the member.

Vacation of office

11.(1) The office of a member of the board shall become vacant if such member—

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- (a) dies or becomes mentally sick; or
- (b) becomes bankrupt or compounds with the member's creditors, or otherwise takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors; or
- (c) is absent without leave granted by the board from 4 consecutive ordinary meetings of the board of which due notice has been given to the member; or
- (d) resigns office by signed notice delivered to the Minister; or
- (e) in the case of a member who is representative of contributors, ceases to be a member of the police service; or
- (f) is convicted of an indictable offence; or
- (g) is removed from office by the Governor in Council by gazette notice for any reason or none.

(2) The attendance of any member at the time and place appointed for an ordinary meeting shall be deemed to constitute presence at an ordinary meeting notwithstanding that by reason that no quorum is present no meeting is actually held on that day, and the names of all members who so attend shall be entered in the minute book.

(3) A member of the board shall not act as such at any time when the member is suspended from employment as a member of the police service or, in the case of a person who is not a member of the police service, from any employment or office held by the member under the Crown.

Remuneration

12. A member of the board is entitled to be paid the fees and allowances decided by the Governor in Council.

Manager of the fund

13.(1) The holder for the time being of the office of manager of the State Service Superannuation Fund or the person for the time being performing the duties of the holder of that office shall be the manager of the fund.

(1A) A member of the board may in addition to that office hold the appointment of manager of the fund.

(2) The manager of the fund shall be the executive officer of the board.

(3) The manager of the fund shall have, exercise and perform such powers, authorities, duties and functions as may be prescribed by this Act or the 1968 Act or, in so far as not prescribed, as the board may authorise or direct.

(4) The manager of the fund shall have custody of the official seal of the board and, subject to the board, shall have power to execute documents and other writings whatsoever on behalf of the board and affix the seal of the board thereto or to any of them.

Proceedings of the board

14.(1) The board shall meet at such times and places and conduct its business in such manner as may be prescribed or, in so far as not prescribed, as it may from time to time determine.

(2) Not less than 3 members of the board shall form a quorum at any meeting of the board, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise and perform all the powers, authorities, duties and functions of the board.

(3) The chairperson shall preside at all meetings of the board at which the chairperson is present.

(4) If the chairperson is absent from a meeting, the chairperson's deputy is to preside.

(5) If both the chairperson and the chairperson's deputy are absent from a meeting, a member chosen by the members present is to preside.

(6) The person presiding at a meeting has a deliberative vote only and, in the event of an equality of votes on any matter, the question is taken to have been decided in the negative.

(7) No act or proceeding of the board shall be invalid or illegal in consequence only of the number of the members of the board not being complete at the time of such act or proceeding.

(8) All acts and proceedings of the board shall, notwithstanding any defect in the appointment of any member thereof, or that any member was disqualified or disentitled to act, be as valid as if every such member had

been duly appointed and was qualified and entitled to act and had acted as a member of the board, and as if the board had been properly and fully constituted.

Delegation

15. The board may delegate its powers under this Act or the 1968 Act to—

- (a) a member or officer of the board; or
- (b) an officer of the public service.

Reports by board

16.(1) The board shall in each year make to the Minister a report upon the administration of this Act and the 1968 Act, and the Minister shall lay a copy of that report before the Legislative Assembly.

(2) When and so often as the Minister may require, the board shall make to the Minister such report as the Minister requires concerning the administration of this Act and the 1968 Act.

Appointment of officers

17.(1) The Governor in Council may appoint officers, including an actuary, under this Act and the 1968 Act.

(2) Every appointee, save the actuary, shall be appointed and hold office under, subject to and in accordance with the *Public Service Management and Employment Act 1988*.

(3) The actuary may be appointed under the *Public Service Management and Employment Act 1988* but if not appointed thereunder, the actuary shall be appointed for such term, at such remuneration, and upon such conditions, as the Governor in Council determines.

(4) Any person may be appointed to hold any such office in conjunction with any other office held by the person under the *Public Service Management and Employment Act 1988*.

The fund

18.(1) For the purposes of this Act and the 1968 Act, the Police Superannuation Fund as established in the Treasury immediately before the commencement of this Act is hereby preserved, continued in existence and established in the Treasury under this Act under the name ‘Police Superannuation Fund’.

(2) All contributions and payments by members provided for in this Act or in the 1968 Act shall be paid into the fund.

(3) All benefits and other payments provided for in this Act and in the 1968 Act shall be paid from the fund.

Investment of fund

18A.(1) Queensland Investment Corporation (“**QIC**”) is appointed investment manager of the fund.

(2) The board must establish investment policies and objectives for the fund.

(3) The investment manager must operate under the investment policies and objectives.

(4) The investment manager must give the board or its agent all necessary information to enable them to monitor the investment manager’s performance.

(5) If the Governor in Council is satisfied it is appropriate for another investment manager to be appointed for the fund or a stated part of the fund in the interests of the board’s fiduciary responsibilities or the members of the fund generally, the Governor in Council may, by regulation—

(a) revoke QIC’s appointment as investment manager in whole or in part from a stated date; and

(b) make provision for anything necessary to secure the fund.

(6) If QIC’s appointment is revoked, the board may appoint a new investment manager of the fund, or a stated part of the fund, with the Governor in Council’s approval.

Triennial investigation by actuary

19.(1) The actuary must finish an investigation of the state and sufficiency of the fund at least once every 3 years.

(2) The actuary shall report to the board the result of the actuary's investigation including with respect to—

- (a) the sufficiency of the contributions to and the actuarial soundness of the fund either generally or in respect to any particular benefit whether under this Act or the 1968 Act; and
- (b) whether the state of the fund requires any adjustments to be made in the prescribed amounts of contributions or of the benefits under this Act; and
- (c) whether the state of the fund requires any adjustments to be made in the prescribed amounts of the units respectively of annuity benefit, incapacity benefit, assurance benefit (including additional assurance benefit) under the 1968 Act and any benefit preserved and continued by that Act or in the rates of contributions for units respectively for those benefits or any of them; and
- (d) if a surplus is shown—the manner in which such surplus may be dealt with; and
- (e) whether any change should be made in the basis on which, or the extent to which, pensions and benefits may be converted into lump sum payments pursuant to part 4, division 7 or the 1968 Act, part 4, division 5A; and
- (f) whether any change should be made in the proportion in which contributions required to be paid to the fund by the Crown shall be paid; and
- (g) any other actuarial matter affecting the fund as may be required by the board;

and shall make in the report such recommendations as the actuary deems necessary or desirable having regard to the purpose and result of the investigation.

(3) The board may act as it deems advisable with respect to any recommendation made by the actuary in such a report.

(4) The board shall forward a copy of the report of the actuary to the Treasurer within 1 month after the receipt thereof.

PART 3—CONTRIBUTIONS

Obligation of members to contribute to the fund and consolidated fund

21.(1) Except as otherwise expressly provided in this Act, a person—

(a) who—

(i) becomes a member on or after the commencement of this Act;

(ii) is a person to whom section 3(b) relates; or

(iii) is a continuing contributor; and

(b) who is under the age for retirement;

shall contribute to the fund as provided in this part.

(2) If a member (being so required) has not been medically examined in accordance with section 60 within 6 months after becoming a member who is required under this Act to contribute to the fund or such extended time as the board may in special circumstances allow, the member shall be entitled to no benefits under this Act other than the payment of a sum of money equal to the amount of the member's contributions thereunder to the fund.

(3) Except where it is otherwise expressly provided by this Act, where a contributor is absent from duty for any period without pay or on less than full pay the contributor shall continue to contribute to the fund during that period at the rate at which the contributor would have been required to contribute thereto if the contributor had continued to receive full pay in respect of that period.

(3AA) If for any reason a contributor referred to in subsection (3) becomes entitled to an increase in salary whilst the contributor is absent from duty as hereinbefore referred to, the contributor's obligation to contribute to the fund shall be to contribute at a rate calculated by reference

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to the salary as so increased.

(3A) Where absence from duty referred to in subsections (3) and (3AA), other than sick leave of absence without pay, is for a continuous period of 14 days or more (whether or not working days) the contributor shall, unless the contributor elects pursuant to subsection (3B), in addition to continuing to contribute to the fund as provided by subsections (3) and (3AA) pay to the consolidated fund for the period, an amount determined by the Treasurer.

(3B) A contributor who would be required to pay additional amounts to the consolidated fund under subsection (3A) may elect in writing furnished to the board not to pay contributions to the fund in respect of the period of the contributor's absence whereupon—

- (a) contribution to the fund in respect of the contributor shall cease to be payable in respect of the period of the absence; and
- (b) the board shall waive the additional payments to the consolidated fund (if any) that would be required by that subsection to be made by the contributor; and
- (c) the benefits to which the contributor or the contributor's dependants may become entitled under this Act shall be reduced by such amounts as are determined by the actuary and approved by the board.

(3C) The Governor in Council may waive the requirement under subsection (3A) to make additional payments to the consolidated fund either unconditionally or upon such terms and conditions as the Governor in Council determines, either in a particular case or in respect of a class of case, and such waiver shall be given effect.

(4) Subject to the express provisions of this Act, any election to further contribute under this Act shall be made before the expiration of 6 months after the member becomes so eligible and where a member being thereunto entitled does not elect within the prescribed time in which the member may so elect, to further contribute under this Act to the fund the member is not obliged and shall not be permitted to so further contribute under this Act to the fund.

Commencement and cessation of contributions

22.(1) The contributions under this Act of a member commence—

- (a) in the case of a member who is a continuing contributor—from the day on which the member's salary is first increased after the commencement of this Act; or
- (b) in any other case—from the day on which the member's salary commences by reason of his or her appointment as a member or from the day on which this Act commences, whichever is the later day.

(2) A member's contributions cease to be payable on the last day of the fortnightly pay-period last preceding the day on which—

- (a) the member ceases to be a member; or
- (b) the member attains the age for retirement; or
- (c) the member's service as a member, ascertained as prescribed by section 26, equals 42 years and 6 months;

whichever first occurs.

Time and manner of paying contributions

23.(1) Except as otherwise expressly provided in this Act, the contributions of a member shall be payable periodically from the member's salary at such intervals and in such manner as may be prescribed and shall be deducted from salary payable to the member accordingly, and, until otherwise prescribed, shall be payable by the member and deducted fortnightly from the member's salary.

(2) The deductions shall be made for the first time in each case on the first payday occurring after the contributions in respect of which they are to be made commence, as provided by section 22(1), and the full amount of all deductions so made shall be paid into the fund.

(2A) A contributor who, pursuant to section 21(3), (3AA) or (3A), is required to pay contributions to the fund and to make additional payments to the consolidated fund in respect of a period of absence from duty—

- (a) shall, before commencing the period of absence, pay to the fund and consolidated fund—

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- (i) the total amount of contributions that the contributor is required to pay under this Act for the period of absence; and
 - (ii) the total amount that the contributor is required to pay pursuant to section 21(3A); or
- (b) shall before commencing the period of absence, make arrangements satisfactory to the board for payment of the total amount of contributions and payments that the contributor is so required to pay.

(2B) Where a contributor to whom subsection (2A) applies does not comply with subsection (2A)(a) or (b) the benefits to which the contributor or the contributor's dependants may become entitled under this Act may be reduced by such amounts as are determined by the actuary and approved by the board.

(3) Where a contributor—

- (a) is on leave of absence without pay; or
- (b) is on sick leave on less than full pay; or
- (c) is under suspension without salary or at less than full salary; or
- (d) for any reason (other than any misconduct or default on the contributor's part) is receiving remuneration at a rate less than the rate of pay for the time being applicable to the contributor's position;

the board, on the application of the contributor, may permit the contributor to defer his or her contributions and the payment of any amount required by section 21(3), (3AA) and (3A) to be paid by the contributor for such period as the board may approve, subject to such conditions as to the future payment of the contributor's contributions and other such amount as the board may impose (including conditions as to the payment of interest, at such rate (if any) as is determined by the board, on the contributions and other such amount so deferred) but save as permitted by the board pursuant to this subsection, the contributor shall contribute and otherwise make payment to the fund at the times and in the manner prescribed.

(4) Any amount of the contributions and other payments prescribed by this Act or the 1968 Act to be made by a contributor not paid by deduction from the contributor's salary as prescribed by subsections (1) and (2) shall, subject to subsection (3), be paid in such manner as the manager directs

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and, if directed by the manager, may be deducted from the contributor's salary in addition to the deductions from the contributor's salary as prescribed by subsections (1) and (2) but the board may waive payment thereof wholly or in part.

(5) Notwithstanding the foregoing provisions of this section, the board may recover by action as for a debt any amount of the contributions and other payments as aforesaid to be made by a contributor which is due and unpaid.

(6) For the purposes of subsections (4) and (5), an amount of unpaid contribution or other payment includes interest on the amount calculated at the rate at which earnings would have accrued to the fund had the amount been paid to the fund.

(7) If a contribution or other payment payable by a contributor is unpaid (the "**unpaid amount**"), the board may determine the rights of the contributor to benefits under this Act.

(7A) If the board makes a determination under subsection (7), the board must pay to the contributor an amount equal to the amount of all contributions and other payments payable by the contributor under this Act to the day of determination (accumulated on and after 27 February 1984 at the applicable rate) less the unpaid amount and interest on the unpaid amount calculated at the rate at which earnings would have accrued to the fund had the amount been paid to the fund.

(7B) However, the board may waive the taking into account of interest on the unpaid amount in whole or part.

(8) Except where it is otherwise provided by this Act, a contributor—

- (a) shall continue to contribute as prescribed to the fund until the contributor attains the age for retirement or the contributor's employment as a member is sooner terminated by earlier retirement, death, resignation or otherwise howsoever;
- (b) shall, in respect of a period of leave of absence, with or without pay, pay contribution, as for a period of service, without reduction.

(9) In subsection (7A)—

"applicable rate" means—

- (a) in relation to a period starting on or after 27 February 1984 and ending on or before 30 June 1990—5% per year compound; or
- (b) in relation to a period starting on or after 1 July 1990—the net earning rate of the fund compound.

Rates of contribution

24.(1) The amount of the contributions payable by a continuing contributor (other than a member to whom subsection (3) applies) is the prescribed percentage of the amount by which the contributor's applicable current salary exceeds the contributor's applicable initial salary.

(2) The amount of the contributions payable by a contributor (other than a contributor to whom subsection (3) applies) who—

- (a) became a member on or after the commencement; or
- (b) is a member to whom subsection (3)(b) applies;

is the prescribed percentage of the contributor's applicable current salary.

(3) The amount of the contributions payable by a contributor who—

- (a) becomes a member on or after the commencement; and
- (b) immediately before becoming a member was in receipt of, or eligible to receive, an incapacity pension under this Act, incapacity benefit under the 1968 Act or superannuation allowance preserved and continued by the 1968 Act;

is the prescribed percentage of—

- (c) if the contributor was a contributor to whom subsection (2) applied before the contributor was retired on the grounds of incapacity—the contributor's applicable current salary; or
- (d) in any other case—the amount by which the contributor's applicable current salary exceeds the contributor's applicable initial salary.

(3A) Contributions payable under subsections (1), (2) and (3) are payable—

- (a) periodically; and
- (b) in addition to any contributions payable to the fund under the

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1968 Act.

(4) Where by reason that a member becomes a contributor (other than a continuing contributor) on or after the commencement of this Act and before the commencement of the *Police Superannuation Acts Amendment Act 1977* and after the member has attained the age of 20 years the length of the member's service, ascertained for the purpose of calculating the pension to be paid to the member under this Act if the member attains the age for retirement will not amount to 40 years, the member may elect within the prescribed time to increase the rate of the member's contribution and the board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member shall be a sum calculated at such rate as the board, after consultation with the actuary, may determine being a rate that, having regard to the fact that payments by the Crown in relation to payments that become payable by reason of an election under this subsection will be only 65% thereof, will enable the length of service for the purpose of calculating the pension to be paid to the member under this Act to be regarded as the length of service ascertained in accordance with the board's determination under subsection (6) but not exceeding 40 years, and thereupon the member shall be deemed to be required to contribute to the fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).

(4A) Where by reason that a member becomes a contributor on or after the commencement of the *Police Superannuation Acts Amendment Act 1977* and after the member has attained the age of 20 years, the length of the member's service, ascertained for the purposes of calculating the pension to be paid to the member under this Act if the member attains the age for retirement, will not amount to 40 years, the member may elect within a period of 2 months after the member becomes a member to increase the rate of the member's contribution and the board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member shall be a sum calculated at such rate as the board, after consultation with the actuary, may determine, being a rate that, having regard to the fact that payments by the Crown will be in relation only to contributions by the member that would be payable but for this subsection, will enable the length of service for the purpose of calculating the pension to be paid to the member under this Act to be regarded as the length of service ascertained in accordance with the board's

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determination under subsection (6) but not exceeding 40 years, and thereupon the member shall be deemed to be required to contribute to the fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).

(5) Where by reason that a member became a contributor under the 1968 Act or any Act or enactment repealed by the 1968 Act after the member had attained the age of 20 years the length of service of the member for the purpose of calculating the pension to be paid to the member under this Act will not amount to 40 years, the member may elect within a period of 6 months after the commencement of this Act to increase the rate of the member's contributions under this Act and the board may determine that the additional rate over and above the contributions that, but for this subsection, would have been payable by the member under this Act, shall be a sum calculated at such rate as the board, after consultation with the actuary, may determine, being a rate that will enable the length of service of the member for the purpose of calculating the pension to be paid to the member under this Act to be regarded as the length of service ascertained in accordance with the determination of the board under subsection (6) but not exceeding a maximum of 40 years, and thereupon the member shall be deemed to be required to contribute under this Act to the fund at the rate so determined in addition to the rate prescribed by this Act (other than this subsection).

(6) Where the board makes a determination under subsection (4), (4A) or (5) in relation to a member, the board may determine that, for the purpose of calculating the pension to be paid to the member under part 4, the member's length of service as a member shall be regarded as being equal to the member's actual length of service ascertained in accordance with this Act plus such additional length of service as the board, after consultation with the actuary, may determine and thereupon this Act shall apply to the member accordingly.

(7) Where the board has made a determination under subsection (4), (4A) or (5) upon the election of a member and the contributor satisfies the board that payment of such additional rate of the contribution by the member is causing the member undue hardship, the board may cancel its determination or vary the same by reducing, with the approval of the actuary, the additional rate of contributions to be paid by the contributor.

(8) Where in respect of a contributor the board, pursuant to

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subsection (7), cancels a determination under subsection (4), (4A) or (5), any determination under subsection (6) in respect of additional length of service of the contributor shall likewise be cancelled and cease to apply to or in respect of the contributor and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund pursuant to subsection (4), (4A) or (5) as the actuary determines is justified having regard to the reduced liability of the fund.

(9) Where in respect of a contributor the board pursuant to subsection (7) varies a determination under subsection (4), (4A) or (5), it shall make an appropriate variation of its consequential determination under subsection (6) of additional length of service in respect of the contributor and this Act shall apply as if the determinations as so varied were at all relevant times the determinations originally made on the election of the contributor and the board shall make to the contributor a refund of such part of the contributor's contributions pursuant to subsections (4), (4A) or (5) as the actuary determines is justified having regard to the reduced liability of the fund.

(10) Despite subsections (1), (2) and (3), if the salary of a contributor is reduced, the contributor shall thereupon contribute to the fund in relation to the reduced rate of the contributor's salary and the board shall make to the contributor a refund of such part of the contributor's contributions to the fund as the actuary determines is justified having regard to the reduced liability of the fund, by reason of the reduction in salary, in respect of the prospective entitlement of the officer to benefits under this Act and thereupon for the purpose of calculating the contributor's entitlement to benefits under this Act the contributor's rate of salary in respect of any period before the time the contributor's salary was reduced shall be deemed not to have been in excess of the rate to which the contributor's salary was so reduced.

(11) Where a contributor has paid to the fund contributions in excess of those prescribed by this Act, the board shall refund to the contributor such sum of money in respect of those contributions as is determined by the actuary and approved by the board.

(12) In this section—

“applicable current salary”, of a contributor, means the contributor's applicable starting salary varied, in the first full fortnightly pay period in November of each year (the **“adjustment year”**), to the contributor's salary at 1 October in the adjustment year if the

contributor was a contributor on that day.

“applicable initial salary”, of a contributor, means—

- (a) in relation to a contributor mentioned in subsection (1)—the contributor’s salary at the commencement; or
- (b) in relation to a contributor mentioned in subsection (3)—the contributor’s salary at the time the contributor was retired.

“applicable starting salary”, of a contributor, means the contributor’s salary at—

- (a) 30 June 1993; or
- (b) if the contributor starts to contribute under this Act after 30 June 1993—the day on which the contributor starts to contribute.

“commencement” means the commencement of this Act.

“prescribed percentage” means the percentage prescribed under section 25(4).

Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3

24A.(1) A female member who is a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984* may elect, in writing furnished to the board, within 6 months after the passing of the *Superannuation Acts Amendment Act 1987* to increase the rate of her contribution to the fund sufficient to secure for her the benefits provided for by part 4, divisions 2 and 3.

(2) If in connection with her election referred to in subsection (1) the contributor furnishes to the board evidence satisfactory to the board that her health and physical condition are such as to justify her being accepted as a contributor for the benefits provided for by part 4, divisions 2 and 3 she is entitled to become such a contributor.

(3) The additional rate of contribution payable by a contributor who elects under subsection (1) and is entitled to become a contributor for the benefits aforesaid shall be such rate as the board, after consultation with the actuary, may determine and shall be payable by the contributor on and from a date determined by the board.

(4) The additional rate of contribution referred to in subsection (3) shall be determined in relation to each elector having regard to whether she is a contributor by whom an additional rate of contribution pursuant to section 24(4), (4A) or (5) is payable and, if she is such a contributor, shall be determined at an amount such as will enable the length of service for the purpose of calculating the benefits aforesaid payable in respect of her to be regarded as the length of service ascertained in the manner prescribed by section 24(6) and determined by the board.

(5) If in relation to a contributor by whom an additional rate of contribution is payable pursuant to this section the board makes a determination under section 24(7) that cancels or varies a board's determination made under section 24(4), (4A) or (5) in relation to that contributor, the additional rate of contribution payable by the contributor pursuant to this section shall be adjusted having regard to that cancellation or variation, the ascertainment of the contributor's length of service for the purposes of this section shall be adjusted accordingly and the board shall make to the contributor a refund of such part of her contributions to the fund pursuant to this section as the actuary determines is justified, having regard to the reduced liability of the fund.

Further provisions re contributions

25.(1) In this part—

“**salary**”, in relation to a member, means—

- (a) the fortnightly salary of the member; or
- (b) where the periodic interval at which the member's contribution to the fund is deducted from the member's salary is based upon a period other than a fortnight—the salary of the member for that period.

(2) The fortnightly, or other periodic, salary of a member who is paid salary at a rate other than a fortnightly rate or, as the case may be, other periodic rate shall be ascertained as prescribed and different such prescriptions may be made in respect of the members included in different classes of members.

(3) If the salary of a contributor is varied, then, for the purpose of calculating under section 24 the amount of contribution payable by the

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contributor, the salary as varied is the contributor's salary on and from the day the variation takes or took effect.

(4) For the purposes of section 24 the prescribed percentage shall be—

(a) in the case of a male contributor or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—

(i) who has not attained the age of 20 years at the time when the contribution is payable—2%; and

(ii) who has attained the age of 20 years but has not attained the age of 25 years at the said time—6%; and

(iii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—6.5%; and

(iv) who has attained the age of 35 years at the said time—7%; and

(b) in the case of a female contributor who was a contributor immediately before the passing of the *Superannuation Acts Amendment Act 1984*—

(i) who has not attained the age of 20 years at the time when the contribution is payable—2%;

(ii) who has attained the age of 20 years but has not attained the age of 25 years at the said time—5%;

(iii) who has attained the age of 25 years but has not attained the age of 35 years at the said time—5.5%;

(iv) who has attained the age of 35 years at the said time—6%.

(7) Where the amount of any contribution payable periodically or by way of lump sum when expressed in dollars and cents includes an amount less than 1 cent then, where the last mentioned amount is less than .5 of a cent, the amount shall be disregarded and, where the amount is .5 of a cent or greater than .5 of a cent the amount shall be deemed to be 1 cent and the contribution shall be payable accordingly.

(8) For section 24, the prescribed time is 2 months after a member becomes a contributor.

PART 4—BENEFITS AND PAYMENTS

Division 1—Contributors' pensions and other benefits

Calculation of service

26. For the purpose of calculating the pension to be paid to a contributor under this division—

- (a) any service as a member, before attaining the age of 20 years shall be disregarded in ascertaining the contributor's length of service;
- (b) if, under paragraph (a), the contributor's length of service as a member is more than 40 years—the contributor's length of service is taken to be 40 years;
- (c) where the contributor is a person in relation to whom a determination has been made by the board under section 24(6)—the contributor's length of service shall, unless otherwise expressly provided by this Act, be deemed to be the length of the contributor's service ascertained in accordance with the board's determination;
- (d) any reduction in benefits determined by the actuary and approved by the board in respect of contributors to whom sections 21(3B) and 23(2A) apply shall be taken into account.

Rights of contributors

27.(1) Where a contributor (other than a continuing contributor)—

- (a) retires on attaining the age for retirement; or
- (b) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on the contributor's part for the obtaining of any benefit under this Act; or
- (c) elects to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement;

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the contributor is entitled to a pension calculated in accordance with the provisions of this section.

(1A) Before a contributor is entitled to a pension in accordance with subsection (1)(b) the contributor is to satisfy the board that the incapacity is such as to render that contributor permanently unfit to discharge efficiently or permanently incapable of discharging efficiently the duties of that contributor's office

(2) Except as otherwise expressly provided in this section the pension to be paid to a contributor to whom subsection (1) relates is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{K}{100} \times A \left(\frac{3B}{160} + \frac{F}{62.5} \right).$$

(2A) In subsection (2)—

“**A**” means the final average salary of the contributor.

“**B**” means the contributor's length of service, expressed in years, accumulated before 1 July 1988.

“**F**” means the contributor's length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued in service until the contributor attained the age for retirement.

“**K**” means 85 + 3 (age at retirement in years and complete months – 55).

“**P**” means the fortnightly amount of that pension.

(4) For the purpose of calculating the pension to be paid to a contributor to whom subsection (1)(b) relates, the contributor's length of service shall be calculated as if the contributor had continued to be a member until the day on which the contributor would have attained the age for retirement.

(5) Where a contributor to whom subsection (1) relates (not being a contributor who has made an election under section 24(4) the determination in relation to which has not been cancelled by the board pursuant to section 24(7)), after attaining the age for retirement, continues to be a member the contributor is entitled—

- (a) on attaining the age for retirement to a pension calculated at the rate of two-sevenths of the pension to which the contributor

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would have been entitled under this section if the contributor had retired on attaining the age for retirement; and

- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(6) Where a contributor to whom subsection (1) relates who has made an election under section 24(4) the determination in relation to which has not been cancelled by the board pursuant to section 24(7) of that section, continues after attaining the age for retirement, to be a member the contributor is entitled—

- (a) on attaining the age for retirement—
 - (i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 24(4) had not been enacted and the contributor had retired on attaining the age for retirement; and
 - (ii) to a pension determined by the board upon the advice of the actuary being a pension based upon the additional contributions made by the officer under section 24(4); and
- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(6A) A member who—

- (a) becomes a contributor after the commencement of the *Police Superannuation Acts Amendment Act 1979*; and
- (b) makes an election under section 24(4A); and
- (c) elects to retire in accordance with subsection (1)(c);

is entitled to a pension in respect of the additional service determined under section 24(6), calculated in accordance with the formula—

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$$P = A \left(\frac{K}{100} \times \frac{N \times 3}{160} \times \frac{M - C}{60 - C} \right)$$

if the member became a contributor before 1 July 1988 or in accordance with the formula—

$$P = A \left(\frac{K}{100} \times \frac{N}{62.5} \times \frac{M - C}{60 - C} \right)$$

if the member became a contributor on or after 1 July 1988, in addition to the pension to which the contributor would have been entitled if the contributor had not made the election.

(6AA) In subsection (6A)—

“**A**” means the final average salary of the contributor.

“**C**” means the age (expressed in years and complete months) of the contributor at the date the contributor commences to be a contributor.

“**K**” means 85 + 3 (age at retirement in years and complete months – 55).

“**M**” means the age (expressed in years and complete months) of the contributor at the date of retirement.

“**N**” means the additional length of service determined by the board under section 24(6).

“**P**” means the fortnightly amount of the pension payable to the contributor.

(6B) Where a contributor to whom subsection (1) relates who has made an election under section 24(4A) the determination in relation to which has not been cancelled by the board pursuant to section 24(7) continues, after attaining the age for retirement, to be a member, the contributor is entitled—

(a) on attaining the age for retirement—

- (i) to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if section 24(4A) had not been enacted and the contributor had retired on attaining the age for retirement; and
- (ii) to a pension determined by the board upon the advice of the actuary being a pension based upon the additional contributions made by the member under section 24(4A);

and

- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a)(i), which shall then become payable at the rate of pension to which the contributor would have been entitled under this section if section 24(4A) had not been enacted and the contributor had retired on attaining the age for retirement.

(7) The rate of the pension to which a contributor is entitled under this section shall not, in any case, exceed a rate equal to three-quarters of the final average salary of the contributor.

Rights of continuing contributors

28.(1) Where a continuing contributor—

- (a) retires on attaining the age for retirement; or
- (b) before attaining the age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on the contributor's part for the obtaining of any benefit under this Act; or
- (c) elects to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement;

the contributor is entitled to a pension calculated in accordance with the provisions of this section.

(2) Except as otherwise expressly provided in this section, the pension to be paid to a contributor to whom subsection (1) relates, in addition to the benefits to which the contributor may be entitled under the 1968 Act, is a fortnightly sum calculated in accordance with the formula—

$$P = \frac{K}{100} \times A \left(\frac{3B}{160} + \frac{F}{62.5} \right).$$

(2A) In subsection (2)—

“A” means the final average increase in salary of the contributor.

“B” means the contributor's length of service, expressed in years, accumulated before 1 July 1988.

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“**F**” means the contributor’s length of service, expressed in years, accumulated on and from 1 July 1988 or, in the case of a contributor who becomes entitled to an incapacity pension, that would have been accumulated on and from that date had the contributor continued in service until the contributor attained the age of retirement.

“**K**” means $85 + 3$ (age at retirement in years and complete months – 55).

“**P**” means the fortnightly amount of that pension.

(4) For the purpose of calculating the pension to be paid to a continuing contributor to whom subsection (1)(b) relates, the contributor’s length of service shall be calculated as if the contributor had continued to be a member until the day on which the contributor would have attained the age for retirement.

(5) Where a continuing contributor, after attaining the age for retirement, continues in employment as a member, the contributor is entitled, in addition to any benefits to which the contributor may be entitled under the 1968 Act—

- (a) on attaining the age for retirement to a pension calculated at the rate of two-sevenths of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement; and
- (b) on retiring or being retired from employment as a member to an increase in the pension payable under paragraph (a), which shall then become payable at the rate of the pension to which the contributor would have been entitled under this section if the contributor had retired on attaining the age for retirement.

(6) The rate of the pension to which a contributor is entitled under this section shall not, in any case, exceed a rate equal to three-quarters of the final average increase in salary of the contributor.

Construction of pension benefit formula in certain cases and transfer of funds

28A.(1) Sections 27 and 28 apply subject to this section.

(2) In the case of—

- (a) a contributor who retires on attaining the contributor’s age for

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retirement or retires by way of election to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the contributor's age for retirement, in any case before 1 July 1993; or

- (b) a contributor who, before attaining the contributor's age for retirement, is retired or permitted to retire on the ground of incapacity not due to wilful action on the contributor's part for the obtaining of any benefit under this Act;

the formula prescribed by any provision of section 27 or 28 shall be read and construed as if the formula had not been amended by section 26 or 27, as the case may be, of the *Superannuation Acts Amendment Act 1988*.

(3) Where a benefit is paid to a contributor referred to in subsection (2) or a benefit is paid under section 29 in respect of a contributor, the amount standing to the credit of the fund established under the *Superannuation (Government and Other Employees) Act 1988* on account of such sums as are required to be paid under section 15 of that Act as at the date of commencement of section 6.4 of the *Superannuation (Miscellaneous Acts) Amendment Act 1991* in respect of the contributor shall be transferred to the fund and the consolidated fund in the proportion 2:5.

Minimum benefit payable

28B.(1) A person who ceases to be a contributor is entitled to the minimum benefit (if any) determined by the actuary.

(2) If the person is also entitled to benefits under the *Superannuation (Government and Other Employees) Act 1988*, the minimum benefit is to be determined taking into account the person's benefits under that Act.

(3) The minimum benefit must be paid to the Government Officers' Superannuation Fund in the person's name.

(4) Subsection (1) applies despite any other provision of this Act.

(5) In this section—

“minimum benefit” means the amount of payment, pension or preserved benefit entitlement that is determined to avoid payment of the superannuation guarantee charge.

“**superannuation guarantee charge**” means the charge imposed by the *Superannuation Guarantee Charge Act 1992* (Cwlth).

Division 2—Benefits upon contributor’s death

Entitlement to benefit

29.(1) Subject to subsections (3) and (4), in respect of—

- (a) a male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*; or
- (b) a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 24A; or
- (c) a contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;

a relict of the contributor or, except in a case to which section 30(3)(b) applies, if there be no relict, the legal personal representative of the contributor or other person approved by the board is entitled to the payment of an amount calculated—

- (d) if the contributor was under 55—in accordance with the formula—

$$A = B \times C \times \frac{(D - 5)}{D} ; \text{ or}$$

- (e) if the contributor was 55 or more—in accordance with the formula—

$$A = B \times C \times \frac{(D - E)}{D} .$$

(1A) In subsection (1)(d)—

“**A**” means the amount payable.

“**B**” means the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an

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incapacity pension immediately before his or her death.

“C” means the factor set out in schedule 4 opposite the age in years of the contributor as at the date of his or her death.

“D” means the length of service of the contributor, expressed in years, ascertained as prescribed by section 26 as if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

(1B) In subsection (1)(e)—

“A” means the amount payable.

“B” means the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

“C” means the factor set out in schedule 4C opposite the age in years and complete months of the contributor as at the date of his or her death.

“D” means the length of service of the contributor, expressed in years, ascertained as prescribed by section 26, as if he or she had retired and become eligible for an incapacity pension immediately before his or her death.

“E” means the difference between the contributor’s age in years and complete months as at the date of his or her death and the age for retirement of that contributor.

(2) Subject to subsection (4), a relict of—

(a) a male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984*; or

(b) a male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled or, but for the operation of section 42, would have been entitled to a pension from the fund; or

(c) a female pensioner who—

(i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or

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- (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 24A;

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled or, but for the operation of section 42, would have been entitled to a pension from the fund;

is entitled to the payment of an amount calculated in accordance with the formula—

$$A = B \times C.$$

(2A) In subsection (2)—

“A” means the amount payable.

“B” means the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 42, would have been entitled immediately before his or her death or, in the case of a spouse who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor’s pension had ceased or had been reduced by reason of an election under section 45, would have been entitled immediately before his or her death if the contributor had not made the election and where the spouse was a member who had not retired as if the spouse had retired.

“C” means the factor set forth in schedule 4F opposite the age at nearest birthday of the relict as at the date of the spouse’s death.

(3) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a male continuing contributor immediately before he or she finally ceased to contribute to the fund the entitlement to an amount under this section is in addition to the benefits (if any) derived through the contributor or pensioner under the 1968 Act.

(4) Where the contributor or pensioner through whom entitlement to an amount is derived under this section is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 24A an amount shall be payable to the relict or other

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person entitled to an amount under this section (other than this subsection) determined by the actuary and approved by the board in lieu of the amount prescribed by subsection (1) or (2).

(5) In this section—

“**relict**” means a relict of a contributor or pensioner who dies on or after the commencement of section 40 of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985*.

(6) The benefit prescribed by subsection (1) to accrue in the absence of a relict of a contributor shall be taken to accrue only in respect of a contributor who dies on or after the passing of the *Superannuation Acts Amendment Act 1987*.

(7) In subsection (2)(a)—

“**pensioner**” does not include a person who was retired or permitted to retire on the grounds of incapacity and has made an election under section 45.

Relicts’ right to substitute pension for entitlement

29A.(1) Subject to this section, a relict entitled to the payment of an amount pursuant to section 29 may elect not to receive that amount or a part of that amount and to receive in lieu a relict’s pension on and from the date following the day of his or her spouse’s death calculated in accordance with the formula—

$$P = B \times C \times .667.$$

(1A) In subsection (1)—

“**B**” means—

- (a) in the case of a relict of a contributor—the fortnightly amount of pension that would have been payable to the contributor if he or she had retired and become eligible for an incapacity pension immediately before his or her death; or
- (b) in the case of a relict of a pensioner—the fortnightly amount of pension to which his or her spouse was entitled or, but for the operation of section 42, would have been entitled immediately before his or her death or, in the case of a spouse who attained the

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age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* and whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 45, would have been entitled immediately before his or her death if he or she had not made the election and, where the spouse was a member who had not retired, as if the spouse had retired.

“C” means a fraction that is the equivalent of the percentage of the amount of entitlement in respect of which the relict desires to substitute a relict's pension.

“P” means the fortnightly amount of relict's pension.

(2) An election under subsection (1)—

- (a) shall be in writing; and
- (b) shall be made within 6 months after the date on which the entitlement to payment of the amount to the relict arises; and
- (c) shall specify the percentage of the amount of entitlement in respect of which the applicant desires to substitute a relict's pension.

(3) This section does not apply to the relict of—

- (a) a person who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) a female who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 24A;

unless in the board's opinion the relict was wholly financially dependent upon the deceased person immediately before his or her death.

(4) For the purposes of subsection (3) a relict shall be taken to be wholly financially dependent notwithstanding that he or she is in receipt of an income that in the board's opinion is insufficient to maintain for the relict a reasonable standard of living.

(5) A relict's pension ceases to be payable if the relict remarries.

(6) Where a person who as a relict is entitled to a relict's pension remarries and—

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- (a) again becomes widowed; or
- (b) a decree of dissolution made in respect of the marriage has become absolute or a decree of nullity is made in respect of the marriage and that person is in the board's opinion likely to suffer hardship if the benefit prescribed by this subsection is not granted to him or her;

that person shall, subject to subsection (5), be entitled to a pension on and from the occurrence of the event referred to in paragraph (a) or (b), whichever is relevant to the case, as if he or she had not remarried.

(7) A relict who having remarried again becomes widowed shall not be entitled to a pension pursuant to subsection (6) if an amount becomes payable to the relict under section 29 in the event of his or her so becoming widowed unless the relict elects as prescribed to forgo entitlement to that amount and, in the case of a widowed female, to any benefit to which she is entitled pursuant to the 1968 Act, section 41 in the event of her so becoming widowed.

(7A) An election under subsection (7)—

- (a) shall be in writing; and
- (b) shall be made within 6 months after the date on which the relict so becomes widowed.

(8) Where the contributor or pensioner through whom entitlement to an amount is derived under section 29 is or was a female continuing contributor who had increased the rate of her contribution to the fund pursuant to section 24A, a relict's pension shall be payable to the relict where the relict elects as prescribed by subsection (2) at a rate determined by the actuary and approved by the board in lieu of the rate prescribed by subsection (1).

Division 3—Children's pensions

Child's pension—when payable

30.(1) A pension is payable under this Act in respect of every child to whom this section applies until he or she ceases to be a child.

(2) This section applies to—

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- (a) every child of a deceased male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*;
- (b) every child of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 24A where in the opinion of the board the child was wholly dependent on the contributor when she died;
- (c) every child of a deceased female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 24A;
- (d) every child of a deceased contributor who became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*;
- (e) every child of a deceased male pensioner who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* other than a person retired on account of incapacity who has made an election under section 45;
- (f) every child of a deceased male pensioner who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of his death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the fund;
- (g) every child of a deceased female pensioner who—
 - (i) became a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*; or
 - (ii) became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had increased the rate of her contribution to the fund pursuant to section 24A;

and who attained the age for retirement or retired on or after the passing of the *Superannuation Acts Amendment Act 1984* and who at the date of her death was entitled to or, but for the operation of section 42, would have been entitled to a pension

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from the fund;

- (ga) every child of a deceased female pensioner who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 24A and who—
 - (i) being other than a person retired on account of incapacity who has made an election under section 45, retired before the passing of the *Superannuation Acts Amendment Act 1984*; or
 - (ii) retired after the passing of the *Superannuation Acts Amendment Act 1984* and at the date of her death was entitled to or, but for the operation of section 42, would have been entitled to a pension from the fund;

where in the opinion of the board the child was wholly dependent on the pensioner when she died;

- (h) every child of a deceased or divorced spouse of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to in section 3(f)(i) or (ii);
 - (i) every child of the relict of a person who when he or she died was a contributor or a pensioner referred to in paragraph (a), (c), (d), (e), (f) or (g), other than a child referred to section 3(f)(i) or (ii).
- (3)** A pension that is payable under this section is payable—
- (a) where the relict of the person through whom the pension is derived under subsection (2) is living—at the rate of \$50 per fortnight adjusted in accordance with the cost of living adjustment provided for in section 34 from and including the first pay-period that occurs wholly in August 1987; and
 - (b) in any case other than a case to which paragraph (a) applies—at a rate equal to a percentage in accordance with the following table of—
 - (i) in the case of a child of a contributor who dies before attaining the age for retirement—the pension that would have been payable to the contributor if the contributor had retired and become eligible for an incapacity pension immediately before the contributor's death;

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- (ii) in the case of a child of a contributor who has continued in the contributor's employment as a member after attaining the age for retirement—the pension that would have been payable to the contributor immediately before the contributor's death if the contributor had retired on attaining the age for retirement;
- (iii) in the case of a child of a person who attained the age for retirement or retired before the passing of the *Superannuation Acts Amendment Act 1984* whose entitlement to a contributor's pension had ceased or had been reduced by reason of an election under section 45—the pension that would have been payable to that person immediately before the contributor's death if the contributor had not made the election, and, in the case of a member who had not retired, as if the contributor had retired;
- (iv) in any other case—the pension payable to the person through whom the entitlement to the child's pension is derived immediately before his or her death—

Table

1 child	66.7%
2 or more children	100 % divided by the number of children in respect of each child.

(3A) However, each child who is entitled to a pension under subsection (3)(b) shall be paid a fortnightly rate of pension so that, when that rate is added to any rate of benefit to which the child is entitled under the 1968 Act, the total rate payable shall be at least equal to twice the fortnightly rate of pension that the child would have been paid had the child been a case to which subsection (3)(a) applies.

(3B) The cases to which the provisions subsections (3) and (3A) apply includes the case of a child's pension payable immediately before the passing of the *Superannuation Acts Amendment Act 1987*.

(4) A child who is entitled under subsection (3)(a) to payment of a child's pension in respect of him or her shall not be entitled to additional assurance benefits under the 1968 Act.

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(5) Where on or after 1 July 1974 a child becomes entitled to a pension under any other provision of this section and the person through whom the child derives the entitlement was immediately before the person's death entitled to receive a pension under this Act or but for an election under section 45 would have been so entitled, the pension to which the child is entitled is a pension calculated in accordance with the formula—

$$P = A \times \frac{B}{C}.$$

(5A) In subsection (5)—

“A” means the fortnightly amount of the pension that would have been payable to the child but for subsection (5).

“B” means the fortnightly amount of the pension that was payable under this Act to the person through whom the child in question derives the entitlement or, in a case where that person had made an election under section 45, or that person was a person to whom section 39 applied, that would have been payable but for the election or the said section 39, immediately before the death of that person.

“C” means the fortnightly amount of the pension (being the pension to which the definition “B” refers) that was payable under division 1 to the person through whom the child derives the entitlement on that person becoming entitled thereto or that would have been so payable but for section 39.

“P” means the fortnightly amount of the pension payable to the child.

(6) Where by reason of the death of a contributor or a pensioner the only entitlement derived through the contributor or pensioner is an entitlement to a child's pension arising on or after the passing of the *Superannuation Acts Amendment Act 1984* and before the passing of the *Superannuation Acts Amendment Act 1987* the amount of pension payable in respect of the child or, where there are more than 1 child who derive the entitlement, in respect of all of them shall equal at the least the amount that would be payable in respect of 1 child (being a child deriving the entitlement through that contributor or pensioner) under this section for a period of 5 years calculated at the rate at which a pension was payable in respect of 1 child (being a child deriving the entitlement through that contributor or pensioner) at the date when the entitlement to the pension in question commenced.

(6A) Where by reason of the death of a contributor or a pensioner the only entitlement derived through the contributor or pensioner is an entitlement to a child's pension arising on or after the passing of the *Superannuation Acts Amendment Act 1987* and the amount of pension payable in respect of the child or, where there are more than 1 child who derive the entitlement, in respect of all of them (disregarding for the purpose of calculating that amount any increase in the rate of pension payable since the time when the entitlement arose) is less than the amount that would have been payable under section 29 to the relict of the person through whom the entitlement is derived, had the person left a relict upon the person's death, there shall be paid to such persons as are approved by the board, in equal shares if more than 1, the difference between the 2 amounts hereinbefore referred to in this subsection.

Commencement and cessation of children's pensions

31.(1) A child's pension commences on the date of the day following the event by virtue of which it becomes payable as provided in section 30 and ceases to be payable on—

- (a) the child (not being a child to whom subsection (2) relates) attaining the age of 16 years; or
- (b) the death of the child;

whichever first happens.

(2) In the case of a child who is receiving, in the opinion of the board, full-time education at a school, college, or university, the child's pension ceases to be payable—

- (a) when the child attains the age of 25 years; or
- (b) when the child ceases to receive, in the opinion of the board, full-time education at a school, college, or university;

whichever first happens.

(3) Where—

- (a) a child's pension has ceased pursuant to subsection (1) or (2); and
- (b) no amount has been paid in accordance with section 30(6) or (6A); and

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- (c) the board is satisfied that the child concerned is receiving full-time education at a school, college or university at any time before the child has attained the age of 25 years;

the board may reinstate the child's pension at the rate at which it would have been payable if it had not ceased, whereupon the pension shall be payable subject to subsection (2).

Persons to whom a child's pension is payable

32.(1) A child's pension shall be paid to the relict (if any) of the contributor or pensioner in relation to whom it is payable, or, if there is no relict, to the guardian of the child, unless the board in any case otherwise determines.

(2) The board may at any time pay to the guardian of a child or to such other person as the board determines, or expend for a child's benefit, any pension or sum of money payable in respect of that child under this Act.

Division 4—Refund of contributions**Refund of contributions**

33.(1) Where a contributor, before attaining the age for retirement, ceases to be a member by reason of—

- (a) resigning before turning 55; or
- (b) dismissal; or
- (c) being retired or permitted to retire on the ground of incapacity that is due to wilful action on the contributor's part for the obtaining of any benefit under this Act;
- (d) termination of employment for incapacity, but the board is not satisfied the incapacity has made the contributor permanently unfit to discharge efficiently or permanently incapable of discharging efficiently the duties of the contributor's office;

the contributor is entitled to be paid from the fund a sum of money equal to the total amount of the contributor's contributions to the fund under this Act and any additional amounts paid by the contributor under section 21(3A) or

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under the 1968 Act, section 30(1A) such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, and, subject to subsections (2) and (2A) is not entitled to any other benefit under this Act.

(2) Where a contributor, before attaining the age for retirement, ceases to be a member by reason of—

- (a) resignation before attaining an age that is 5 years before the age for retirement; or
- (b) termination of employment as a member before attaining an age that is 5 years before the age for retirement, otherwise than for misconduct or because of incapacity; or
- (c) resignation in accordance with arrangements approved by the Governor in Council in relation to contributors of the class of that contributor; or
- (d) non-renewal or termination by the Crown (otherwise than on account of misconduct) of a contract or appointment for a tenure limited by time under the *Police Service Administration Act 1990* and that contributor is not eligible to make, or does not make, an election in accordance with section 5.10 of that Act;

and the contributor has been a contributor for a period of 12 months at the least, the contributor may elect as prescribed not to take from the fund that part of the benefit prescribed by subsection (1) that is attributable to the contributor's contributions to the fund.

(2AA) An election under subsection (2)—

- (a) is to be in writing furnished to the board; and
- (b) is to be made within 3 months after the date on which the contributor ceases to be a member.

(2A) Where an election is duly made under subsection (2), there is to be credited to the fund on account of the elector an amount calculated in accordance with the formula—

$$A = \frac{B \times C}{D} [1 - .02 (F - E)]$$

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until, subject to subsection (2B)—

- (a) the contributor attains the age that is 5 years before the contributor's age for retirement; or
- (b) the contributor satisfies the board that the contributor suffers a permanent incapacity by reason whereof the contributor is unfit to discharge or incapable of discharging duties as an employee; or
- (c) the contributor, being a person to whom subsections (2)(a) or (2)(b) apply, informs the board in writing that the contributor no longer desires the election to operate; or
- (d) the contributor dies; or
- (e) the contributor, being a person to whom subsections (2)(c) or (2)(d) apply, notifies the board of a desire to be paid the prescribed sum in cash;

whereupon the prescribed amount is to be paid to the contributor or to the contributor's legal personal representative, as the case requires.

(2AAA) In subsection (2A)—

“A” means the amount payable.

“B” means the benefit to which the contributor would have been entitled had the contributor accumulated as a contributor length of service, ascertained as prescribed by section 26, to the age expressed as F and had retired upon attaining that age.

“C” means the contributor's length of service, expressed in years, after attaining the age of 20 years or becoming a contributor, whichever is later, as at the time the contributor ceases to be a member.

“D” means the length of service expressed in years which the contributor would have had after attaining the age of 20 years or becoming a contributor, whichever is later, had the contributor continued as a contributor until attaining the age expressed as F.

“E” means the contributor's age expressed in years and complete months at the date on which the contributor ceases to be a member.

“F” means the age that is 5 years before the contributor's age for retirement.

(2B) If a person who has made an election under subsection (2) again

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becomes a member and elects under this subsection to again become a contributor within 3 months of again becoming a member, the prescribed amount shall be applied to the purchase by that person of benefit entitlements—

- (a) in respect of a period of service equal to the period during which the person had contributed to the fund after the person's 20th birthday and before the person made the election; and
- (b) in respect of any additional period of service as determined by the actuary having regard to any of the prescribed amount credited in the fund on the person's account that is attributable to contributions paid in excess of those prescribed by section 25;

as approved by the board, having regard to the rates at which benefits would have accrued to that person had the person not ceased to be a member.

(2BAA) Where a person to whom subsection (2B) applies again ceases to be a member in any circumstances prescribed by subsection (2) and does not make an election under that subsection the benefit to which the person shall on that occasion be entitled under subsection (1) in respect of the prescribed amount applied pursuant to subsection (2B) shall be such amount as is determined by the actuary and approved by the board, notwithstanding the provisions of subsection (1).

(2BA) The *Superannuation (State Public Sector) Act 1990* does not apply to a person who makes an election under subsection (2B).

(2BB) If a person who has made an election under subsection (2)—

- (a) again becomes a member; and
- (b) does not make an election under subsection (2B);

the prescribed amount is to be applied in obtaining benefits for the person under the scheme established under the *Superannuation (State Public Sector) Act 1990*.

(2C) In subsections (2A), (2B), (2BAA) and (2BB)—

“prescribed amount” means—

- (a) where the elector, being a person to whom subsection (2)(a) or (2)(b) applies, has informed the board in writing that the person no longer desires the election to operate—the sum which the person would have been entitled to be paid from the fund

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pursuant to subsection (1) had the person not made the election under subsection (2), less the amount already paid on the person's account from the fund as benefit under subsection (1), together with interest that has accrued since the date on which the elector ceased to be a member and that is properly attributable to that sum less that amount; and

- (b) in any other case—the amount credited in the fund on account of the elector pursuant to subsection (2A), together with interest for the period since the date on which the elector ceased to be a member.

(2CA) For the purposes of subsection (2C)(a) and (b), interest shall be calculated at such rate as is determined by the board, from time to time, on the advice of the actuary which rate, at the time it is determined, is to reasonably reflect the after tax earnings of the fund (on a long term basis) derived from the investment of contributors' contributions, having regard to costs incurred in investing and administering the fund.

(2D) In the event of the death, before attaining the age for retirement, of a contributor whose death does not give rise to an entitlement under division 2 or 3 the board shall pay a sum equal to the total amount of the contributor's contributions to the fund under this Act and any additional amounts paid by the contributor under section 21(3A) or section 58A(1) or (1A) or under the 1968 Act, section 30(1A), such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the net earning rate of the fund compound, to the personal representative of the contributor or, if the board considers it desirable to do so, to such person as the board may determine.

(2E) For the purposes of subsections (1) and (2D), a contributor who, before the commencement of this subsection, had made a payment under section 21(3A) or the 1968 Act, section 30(1A) to the fund, is taken to have made the payment to the consolidated fund.

(3) Where a person is appointed a constable in the first instance for 1 year only and that person is discharged before the expiration of 1 year from the day of the appointment the person is entitled to a refund of the person's contribution to the fund such contributions or payments being accumulated on and after the passing of the *Superannuation Acts Amendment Act 1984* at the rate of 5% per annum compound until 30 June 1990 and thereafter at the

net earning rate of the fund compound.

(4) Where the contributor is a continuing contributor entitlements under this section are in addition to entitlements (if any) of or in relation to the contributor under the 1968 Act.

Division 5—Adjustment of pensions

Adjustment of pensions

34.(1) In this section—

“**basic rate**” in relation to a pension, means the rate at which the pension was payable under division 1 or 2 or 3 when it came into force.

“**index**” means the table described as the ‘Consumer Price Index Numbers—All Groups, Brisbane’ that is published under the *Census and Statistics Act 1905* (Cwlth).

“**pay-period**” means the period with respect to which the fortnightly or other periodic instalment of pension is payable in pursuance of section 36.

“**year**”, save in subsection (3), means a year commencing on 1 August.

(2) Subject to this section, a pension under this Act shall be adjusted by the board in each year in accordance with this section.

(3) The government statistician shall, as soon as practicable after 30 June 1975 and in each year thereafter, give to the Minister a notice specifying the percentage (expressed to a degree of accuracy of not more than 1 decimal place) by which the index for the quarter ended on that day is greater or less than the index for the same quarter in the immediately preceding year.

(4) On receipt of a notice under subsection (3), the Minister shall—

- (a) declare the percentage by which pensions shall be adjusted (whether by way of increase or decrease) in the year commencing on 1 August next after the quarter firstmentioned in that subsection; or
- (b) if, by reason of the operation of subsection (9), no adjustment is to be made in respect of that year, declare that pensions shall not be adjusted in respect of that year.

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(5) A percentage declared under subsection (4)(a) in respect of any year shall be the same as the percentage specified in the notice given to the Minister under subsection (3).

(6) An adjustment of a pension in respect of any year made under this section shall be made—

- (a) by increasing, or as the case may require by decreasing, the rate at which immediately before the making of the adjustment, the pension was payable by the percentage declared in respect of that year under subsection (4); and
- (b) so as to operate from and including the commencement of the first pay-period occurring wholly in the month of August in that year.

(7) The following provisions apply to and in relation to the first adjustment of a pension pursuant to this section if at the time when the adjustment is to be made the pension has been in force for less than 12 months, namely—

- (a) in the case of a pension that comes into force after 1 July in any year—the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period occurring wholly in the month of August in the second year after the year in which the pension comes into force; and
- (b) in the case of a pension that comes into force on or before 1 July in any year—the first adjustment of that pension shall be made so as to operate from and including the commencement of the first pay-period occurring wholly in the month of August in the year immediately following the year in which the pension comes into force; and
- (c) the fortnightly amount by which a pension to which paragraph (b) applies is to be increased or decreased shall be calculated in accordance with the prescribed formula.

(8) For the purposes subsection (7)(b), the prescribed formula is the formula—

$$V = A \times \frac{M}{12}.$$

(8A) In subsection (8)—

“**A**” means the amount by which, but for the operation of subsection (7), the pension would have been increased or decreased.

“**M**” means the number of whole months from the day on which the pension came into force until the following 31 July (both days inclusive).

“**V**” means the fortnightly amount referred to in subsection (7)(c).

(9) Except as provided in subsection (10), where the percentage specified in a notice under subsection (3) in respect of any year is less than 1 no adjustment of pensions shall be made in respect of that year.

(10) Where each of the percentages specified in a notice under subsection (3) in respect of any 2 or more successive years is less than 1 but those percentages are in the aggregate, equal to, or greater than 1 (whether by way of increase or decrease), pensions shall be adjusted in respect of the latest of those years as if the percentage declared in respect of that year were a percentage equal to that aggregate which shall be deemed to be the percentage so specified in respect of that year.

(11) Nothing in this section requires the rate of a pension to be decreased below the basic rate and if, by reason of the making of an adjustment under this section, the rate of a pension would be so decreased, that pension shall, until it is next increased to a rate exceeding the basic rate by reason of the making of such an adjustment, be deemed to be payable at the basic rate.

(12) Where—

- (a) by reason solely of the operation of subsection (11) a pension is being paid at the basic rate; and
- (b) an adjustment, by way of increase, is required to be made to the rate of that pension in respect of any year;

that adjustment shall be made as if, immediately before the making of the adjustment, the pension were payable at the rate at which, but for the operation of that subsection, it would have been payable.

Variation of entitlement to adjustment

34A.(1) Where in the opinion of the board a pensioner would be

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prejudicially affected by an increase in the pensioner's pension under section 34 the board may determine—

- (a) that the pensioner receive no increase in pension under that section; or
- (b) that the pensioner receive an increase in pension less than that provided for by that section;

and the determination shall be given effect according to its terms notwithstanding that section.

(2) The board may revoke or vary a determination under subsection (1).

(2A) In the event of a revocation of a determination the amount of the pension to which the determination related shall, as from the date of the revocation, be the same as if the determination had not been made.

(2B) In the event of a variation of a determination the amount of the pension to which the determination relates shall, as from the date of the variation, be in accordance with the determination as so varied.

(3) Unless it is otherwise determined by the board, for the purpose of determining the rate of pension payable under section 29 or 30 all determinations made under subsection (1) and variations made under subsection (2) shall be disregarded and the pensioner shall be deemed to have been receiving, immediately before the pensioner's death, the amount of pension that would have been payable to the pensioner had no such determination been made.

Division 6—General provisions as to pensions

Duration of pensions

35. Except as otherwise expressly provided, a pension under this Act is payable during the life of the pensioner, and is payable as from the date of the death or retirement by virtue of which it becomes payable.

Time and manner of payment of pensions

36. Pensions shall be paid in fortnightly instalments or, if so determined by the board, periodically at other intervals.

Payment to person other than the beneficiary

37. Where in the opinion of the board payment of any pension, refund of contributions or other payment under this Act should be made to a person other than the person to whom the same is prescribed to be payable, the board may authorise payment to such firstmentioned person accordingly and the receipt of that person is a complete discharge to the board for the amount so paid.

Excess payments

38.(1) Where a person has received a payment under this Act or the 1968 Act and it is subsequently discovered that, owing either to some miscalculation or mistake of fact for which the person is not responsible, the payment was in excess of the amount properly payable, the board may—

- (a) waive repayment; or
- (b) allow repayment to be made on such terms as the board thinks just;

of the whole or any part of that excess payment or may write off the whole or any part thereof, if, in the opinion of the board, its repayment would cause undue hardship or the enforcement of the repayment thereof would be inequitable.

(2) Where a person has received a payment under this Act or the 1968 Act and it is subsequently discovered that, by reason of a mistake, the amount of the payment is in excess of the amount properly payable to that person, the board may write off the whole or any part of the excess amount so paid if it is satisfied that the excess amount or that part is irrecoverable or that the enforcement of the repayment by that person of the excess amount or that part would impose undue hardship on that person or would, in all the circumstances of the case, be inequitable.

Commencement of benefits

39. Subject to this Act, where in pursuance of this Act any member becomes liable or elects to contribute for any pension benefits or additional such benefits the member shall be a contributor in respect of those benefits or additional benefits as from the date as from which the contribution or

additional contribution therefor is payable and not earlier, but if any benefit becomes payable to or in respect of that contributor before the member has actually commenced to make contributions or additional contributions there shall, as determined by the board, be deducted from payments of benefits such contributions as are due by the member in respect of those benefits or additional benefits.

Proof of continued incapacity

40.(1) Any person who has been retired, by reason of incapacity, from employment as a member, and who is in receipt of incapacity pension, shall, whilst the person continues to be in receipt of incapacity pension, give as prescribed such notifications and certificates relating to the person's continued incapacity as shall be prescribed and submit himself or herself for medical examination when and so often as the board requires to any medical practitioner or medical practitioners approved by the board.

(2) If at any time a person defaults in complying with any requirement of this section, the board may discontinue the payment to the person of incapacity pension until the person remedies the default to its satisfaction.

Incapacity pensioner restored to health may be recalled to service

41.(1) If, in the opinion of the board, the health of any person who has been retired, by reason of incapacity, from employment as a member, who is in receipt of incapacity pension and who has not attained the age for retirement, has become so restored as to enable the person to perform in the opinion of the board duties as a member, the board shall so inform the commissioner of the police service with a view to employment as a member being found for such person.

(2) If employment as a member is offered to the person at a rate of salary at least equal to the rate of salary then payable in respect of the rank held by the person at the time he or she became eligible for the incapacity pension in question and the person fails to accept that employment the board may cancel the incapacity pension and thereupon it shall cease to be payable.

(3) Upon the cancellation pursuant to this section of the incapacity pension payable to any person, neither that person nor any other person claiming through the person, either immediately or at any future time, shall

have any right or claim to any payment or, as respects incapacity pension further payment, from the fund in respect of any contributor's pension, incapacity pension, widow's pension or child's pension in respect of which the person was contributing to the fund when the person retired save that such person shall be paid from the fund a sum of money equal to the total amount of the person's contributions to the fund less such amount thereof as the actuary certifies is attributable to the provision of incapacity pension.

Incapacity pension may be suspended during employment

42.(1) If at any time it appears to the board that any person who has been retired, by reason of incapacity from employment as a member, and who is in receipt of incapacity pension, engages in—

- (a) any business or occupation on the person's own account; or
- (b) employment (not being employment by virtue whereof the person is a member receiving salary at least equal to the rate referred to in section 41(2));

the board may suspend the incapacity benefit.

(2) For the period during which any such person is engaged as specified in subsection (1) by virtue of which engagement payment of incapacity benefit has been suspended under subsection (1) the person shall not be entitled to or receive any incapacity pension provided that the board may direct that the person receive for that period or such part thereof as the board determines, the whole of the incapacity pension in question or such part thereof as the board considers reasonable.

(3) Upon the termination of the engagement by virtue whereof payment of incapacity pension to any person has been suspended under subsection (1) such incapacity pension shall, subject to this Act, again become payable and be paid to such person.

Contribution by retired incapacity pensioners upon re-employment

43. If a person who has been retired, by reason of incapacity, from employment as a member and who is in receipt of incapacity pension again becomes a member, the period during which the person was retired shall not, for the purposes of this Act, be deemed to be a break in the continuity

of the person's service, and accordingly the member shall be deemed to be a contributor and contributions to the fund shall again become payable by the person in accordance with this Act.

Right to prepay contributions

44.(1) The board may permit a contributor to commute wholly or in part any existing contribution under this Act, payable by the contributor in respect of any future period, by payment of a lump sum of such amount as shall be determined by the actuary and approved by the board.

(2) Where a contributor who elects to retire at any time within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement has commuted wholly or in part any contribution under this Act attributable to any period after the date of his or her retirement, the contributor is, in addition to any pension entitlement under this Act, entitled to be paid from the fund such sum of money in respect of such contribution as is determined by the actuary and approved by the board.

Recovery of overpayments

44A. Where a person has received a payment by way of pension, refund of contributions or a lump sum in any case in excess of the payment to which the person was entitled under this Act, the board—

- (a) may recover from that person in a court of competent jurisdiction as a debt due to the board the difference between the payment received by the person and the payment to which the person was entitled under this Act;
- (b) may deduct from money that may become payable under this Act to or in relation to that person the difference between the payment received by or in relation to the person and the payment to which the person or any person in relation to the person was entitled under this Act.

Division 7—Conversion of pension entitlement into a lump sum payment

Right of contributor to convert the contributor's pension into a lump sum

45.(1) A person who is or was prior to his or her retirement a contributor may, subject to this section, elect to convert into a lump sum payment his or her pension entitlement under this Act—

- (a) as to the whole thereof, in the case of an entitlement to an incapacity pension; or
- (b) as to the whole or any part thereof, in the case of an entitlement to a contributor's pension.

(2) A person who is or was prior to his or her retirement a continuing contributor is not entitled to elect under subsection (1) to convert into a lump sum payment his or her entitlement to an incapacity pension under this Act unless he or she also elects to convert into a lump sum payment the whole of his or her entitlement to incapacity benefit under the 1968 Act.

(2A) A contributor who after the commencement of this Act makes an election under section 24(4) that has not been cancelled may not make an election under this section in relation to any part of the contributor's pension entitlement under this Act unless the contributor has contributed in accordance with that subsection for not less than 5 years before such pension entitlement arises or would have been so contributing but for a commutation of contributions pursuant to section 44.

(2B) Subsection (2A) does not apply in relation to a contributor of a description referred to in the subsection who before the passing of the *Superannuation Acts Amendment Act 1984* was retired or permitted to retire on the ground of incapacity.

(3) An election under this section—

- (a) shall—
 - (i) where the contributor retires after an election under section 27(1)(c) or 28(1)(c)—be made before the expiration of a period of 1 month after the contributor's retirement; and
 - (ii) where the contributor retires on or after attaining the age for retirement—be made before the expiration of a period of 1 month after the contributor attains the age for retirement; and

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- (b) shall in the case of a person who is entitled to payment of an incapacity pension, subject to subsection (11), be made before the expiration of a period of 6 months after the date on which the entitlement to the pension arises or arose or after the passing of the *Superannuation Acts Amendment Act 1984*, whichever period is the later to expire and shall be effective only if, in the board's opinion, the elector is medically competent to make the election; and
- (c) shall be made by notice in writing given to the board (“**the contributor's notice of election**”).

(4) In the case of an election under this section made in respect of a pension entitlement, other than an entitlement to an incapacity pension, the notice of election shall specify the percentage of the elector's pension entitlement that the elector desires to convert into a lump sum.

(5) Where a contributor retires from employment as a member on attaining the age for retirement or within the period of 5 years immediately preceding the day on which the contributor would attain the age of retirement and duly elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—

- (a) the contributor shall be paid from the fund—
 - (i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to that specified percentage of the amount of the contributor's fortnightly pension entitlement under this Act multiplied by the factor set forth in schedule 2, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 2, part 1, column 1;
 - (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to that specified percentage of the amount of her fortnightly pension entitlement under this Act multiplied by the factor set forth in schedule 2, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 2, part 1, column 1; and

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- (b) the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage.

(6) Where a contributor retires from employment as a member on attaining the age for retirement or within the period of 5 years immediately preceding the day on which the contributor would attain the age for retirement and duly elects to convert the whole of his or her entitlement to a contributor's pension—

- (a) the contributor shall be paid from the fund—
- (i) in the case of a male contributor or of a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to the amount of his or her fortnightly pension entitlement under this Act multiplied by the factor set forth in schedule 2, part 1, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 2, part 1, column 1;
- (ii) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to the amount of her fortnightly pension entitlement under this Act multiplied by the factor set forth in schedule 2, part 2, column 2 opposite the contributor's age in years and complete months as at the date of retirement set forth in schedule 2, part 2, column 1; and
- (b) his or her entitlement to a contributor's pension under this Act ceases.

(7) Where a contributor (other than one who has made an election under section 24(4) or (4A)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (5) or (6), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—

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- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of two-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement; or
- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times that specified percentage of two-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and
- (iii) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (iv) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who

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becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of two-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement; or

- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times the amount of two-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement; and
- (iii) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (iv) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and his or her entitlement to a contributor's pension under this Act ceases.

(8) Where a contributor (being a contributor who has made an election under section 24(4)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (5) or (6), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified

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percentage (other than 100%) of his or her entitlement to a contributor's pension—

- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 27(6)(a)(i); or
- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 27(6)(a)(i);
- (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 27(6)(a)(ii); or
- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 27(6)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and section 24(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 24(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from

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employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and section 24(4) had not been enacted and that specified percentage of 65% of the pension attributable to section 24(4) that would have been payable if she had retired on attaining the age for retirement multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
- (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 27(6)(a)(i); or
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 27(6)(a)(i);
 - (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 27(6)(a)(ii); or
 - (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 27(6)(a)(ii); and
 - (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement

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under this Act if he or she had retired on attaining the age for retirement and section 24(4) had not been enacted and 65% of the pension attributable to section 24(4) that would have been payable if he or she had retired on attaining the age for retirement, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or

- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and section 24(4) had not been enacted and 65% of the pension attributable to section 24(4) that would have been payable if she had retired on attaining the age for retirement, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and his or her entitlement to a contributor's pension under this Act ceases.

(8A) Where a contributor (being a contributor who has made an election under section 24(4A)) who has attained the age for retirement, has duly elected under this section and has continued in employment as a member, the contributor shall, in lieu of the lump sum payment from the fund to which the contributor would have been entitled under subsection (5) or (6), be entitled to be paid from the fund—

- (a) in the case of a contributor who elects to convert a specified percentage (other than 100%) of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 27(6B)(a)(i);
 - (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act*

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1984—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 27(6B)(a)(i);

- (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times that specified percentage of the amount of his or her fortnightly pension entitlement referred to in section 27(6B)(a)(ii); or
- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times that specified percentage of the amount of her fortnightly pension entitlement referred to in section 27(6B)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and section 24(4A) had not been enacted multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to that specified percentage of five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and section 24(4A) had not been enacted, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and the contributor's pension to which he or she would have been entitled but for making an election under this section shall be reduced by a percentage equal to that specified percentage;

- (b) in the case of a contributor who elects to convert the whole of his or her entitlement to a contributor's pension—
 - (i) being a male contributor, or a female contributor who

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becomes a contributor on or after the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 27(6B)(a)(i); or

- (ii) being a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984*—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 27(6B)(a)(i);
- (iii) being a male contributor or female contributor referred to in subparagraph (i)—a sum equal to 313.1 times the amount of his or her fortnightly pension entitlement referred to in section 27(6)(a)(ii); or
- (iv) being a female contributor referred to in subparagraph (ii)—a sum equal to 339.2 times the amount of her fortnightly pension entitlement referred to in section 27(6B)(a)(ii); and
- (v) being a male contributor or female contributor referred to in subparagraph (i)—upon his or her retiring or being retired from employment as a member, a sum equal to five-sevenths of his or her fortnightly pension entitlement under this Act if he or she had retired on attaining the age for retirement and section 24(4A) had not been enacted, multiplied by such factor not exceeding 313.1 as the actuary determines having regard to his or her age at the time he or she retires or is retired; or
- (vi) being a female contributor referred to in subparagraph (ii)—upon her retiring or being retired from employment as a member, a sum equal to five-sevenths of the amount of her fortnightly pension entitlement under this Act if she had retired on attaining the age for retirement and section 24(4A) had not been enacted, multiplied by such factor not exceeding 339.2 as the actuary determines having regard to her age at the time she retires or is retired;

and his or her entitlement to a contributor's pension under this Act ceases.

- (9) Where a contributor becomes entitled to an incapacity pension on or

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after the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the fund the sum equal to the amount that would have been payable from the fund—

- (a) had the contributor died on the date of his or her retirement from employment as a member on the grounds of incapacity; and
- (b) in the case of a female contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and had not increased the rate of her contribution to the fund pursuant to section 24A—had the contributor increased the rate of her contribution to the fund pursuant to that section;

less the amount of pension that he or she has been paid in respect of the period subsequent to the date of his or her retirement to the exclusion of any other entitlement he or she might otherwise have had under this section and his or her entitlement to an incapacity pension under this Act thereupon ceases.

(10) Where a contributor became entitled to an incapacity pension before the passing of the *Superannuation Acts Amendment Act 1984* and while entitled to receive payment thereof duly elects under this section he or she shall be paid from the fund a sum determined by the actuary and approved by the board and his or her entitlement to an incapacity pension under this Act ceases.

(11) Where at the passing of the *Superannuation Acts Amendment Act 1984* a contributor who has been retired or permitted to retire from employment as a member by reason of incapacity is not entitled to payment of an incapacity pension but subsequently becomes so entitled, he or she may make an election under this section before the expiration of 3 months after he or she subsequently becomes so entitled and thereupon subsection (10) shall apply in respect of him or her.

Endowment benefit in lieu of relict's pension

46. A male contributor who became a contributor before the passing of the *Superannuation Acts Amendment Act 1984* and who on or after the passing of that Act attains the age for retirement or retires within the period of 5 years immediately preceding the day on which he would attain that age and duly elects under section 45 otherwise than in respect of an incapacity

pension, is entitled, in addition to the benefits prescribed by that section, to an amount determined by the actuary and approved by the board having regard to the period for which the contributor contributed to the fund before the commencement of that Act.

Division 8—Elections to surrender potential relicts' entitlements of pre-1984 members and married relicts' entitlements

Definitions for div 8

47. In this division—

“1984 Act” means the *Superannuation Acts Amendment Act 1984*.

“election day”, for a pre-1984 member or married relict, means the day the member or relict makes an election to surrender.

“election to surrender” means an election to surrender—

- (a) a potential relict's entitlement under section 47A;¹ or
- (b) a married relict's entitlement under section 47B.²

“lump sum percentage”, for a pre-1984 member, means the percentage of the member's entitlement the member received as a lump sum.

“married relict” means a person—

- (a) who—
 - (i) is the relict of a contributor who died before the passing of the 1984 Act; or
 - (ii) became the relict of a pre-1984 member before the passing of the 1984 Act; and
- (b) whose pension under this Act had ceased before the passing of the 1984 Act because the relict remarried after becoming the member's relict; and
- (c) who, before the commencement of this section, had not again

¹ Section 47A (Election to surrender potential relict's entitlement)

² Section 47B (Election to surrender married relict's entitlement)

become entitled to a pension under section 29A(6).³

“married relict’s entitlement”, for a married relict, means the fortnightly pension the relict would be entitled to under section 29A(6) if that subsection were to apply to the relict on the election day.

“potential relict”, of a pre-1984 member, means the person who, as the member’s relict, would become entitled to a benefit under this Act on the member’s death.

“potential relict’s entitlement”, for a pre-1984 member’s potential relict, means the member’s lump sum percentage of the fortnightly pension the potential relict would be entitled to under this Act if the member were to die on the election day.

“pre-1984 member” means a male former contributor or pensioner—

- (a) who attained the age for retirement or retired before the passing of the 1984 Act; and
- (b) whose pension entitlement under this Act, or part of it, was converted into a lump sum payment on an election made by the member under section 45.⁴

Election to surrender potential relict’s entitlement

47A.(1) A pre-1984 member may elect to surrender the potential relict’s entitlement of the member’s potential relict.

(2) To remove doubt, it is declared that the election may be made only if the pre-1984 member and the member’s potential relict are alive on the member’s election day.

Election to surrender married relict’s entitlement

47B. A married relict may elect to surrender the relict’s married relict’s entitlement.

³ Section 29A (Relicts’ right to substitute pension for entitlement)

⁴ Section 45 (Right of contributor to convert his pension into a lump sum)

Making of election to surrender

47C.(1) An election to surrender must—

- (a) be made in writing to the board within 6 months after the commencement of this section; and
- (b) be accompanied by the documents (including documents verified by statutory declaration) the board reasonably requires; and
- (c) if it is an election to surrender a potential relict's entitlement—be accompanied by the potential relict's written agreement to the surrender.

(2) An election to surrender is made when the documents mentioned in subsection (1) are received by the board.

Effect of surrender

47D.(1) On the making of an election to surrender a potential relict's entitlement—

- (a) the pre-1984 member making the election is entitled to be paid an amount equal to 78 times the potential relict's entitlement that would have been payable to the member's potential relict had the member's potential relict made an election under section 29A(1)⁵ for the whole of the potential relict's entitlement; and
- (b) sections 29⁶ and 29A cease to apply to the member's potential relict for the potential relict's entitlement that is surrendered.

(2) On the making of an election to surrender a married relict's entitlement, the relict—

- (a) is entitled to be paid an amount equal to 78 times the married relict's entitlement for the relict; and
- (b) is not entitled to be paid any other amount under this Act.

(3) Despite subsection (2)(b), compound interest is payable on the amount paid under subsection (1) or (2) from the election day to the day of

⁵ Section 29A (Relicts' right to substitute pension for entitlement)

⁶ Section 29 (Entitlement to benefit)

payment at the net earning rate of the fund.

Application of Acts Interpretation Act 1954, s 20A, to division

47E. The *Acts Interpretation Act 1954*, section 20A,⁷ applies to this division.

Expiry of division

47F. This division expires 1 year after it commences.

PART 5—FINANCIAL PROVISIONS

Cost of administration

48. Subject to appropriation by Parliament the expenses incurred in the administration of this Act and the 1968 Act shall be defrayed out of the fund and the consolidated fund in the proportion 2:5.

Amount of contribution by the Crown

49.(1) The Treasurer shall pay into the fund in respect of the period commencing on 1 January 1975 and ending on 30 June 1980 and every period of 5 years thereafter such sum as the actuary certifies from time to time in respect of the period in question to be necessary in order to make proper provision (not taking into account any provision derived from contributors) for payment out of the fund of—

- (a) five-sevenths; or
- (b) such other proportion as the Treasurer, having regard to any recommendation of the actuary under section 19(2)(f), may determine;

of all benefits and other payments provided for in this Act (not being a

⁷ Section 20A (Repeal does not end saving, transitional or validating effect etc.)

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payment made by way of a refund of contributions, a payment under section 66, or any payment of contributor's pension to a contributor whilst the contributor remains a member after attaining the age for retirement).

(1A) Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section in respect of such part of any amount that would not have been payable but for section 24(4) shall be 65% of such part.

(1B) Notwithstanding the provisions of subsection (1), the contribution payable by the Treasurer under this section shall not include such part of any payment that would not have been payable but for section 24(4A).

(1C) Despite subsection (1), the Treasurer must pay to the fund the amount of each payment made out of the fund under section 33(1) or (2D) that is a refund of additional payments made by a contributor under—

- (a) section 21(3A); or
- (b) the 1968 Act, section 30(1A).

(2) A sum in respect of a period that is required by this Act to be paid into the fund by the Treasurer—

- (a) is payable out of the consolidated fund (which, to the necessary extent, is appropriated accordingly); and
- (b) shall be paid at such times and in such manner as the Treasurer may determine.

Accounts to be kept by the board

50.(1) The board shall keep such accounts, and prepare such annual financial statements in relation thereto, in such form and containing such particulars, as the Treasurer may direct or approve.

(2) The accounts of the board are subject to audit by the auditor-general who has, in relation thereto, all the powers conferred on the auditor-general by the *Financial Administration and Audit Act 1977* in relation to the audit of the public accounts.

PART 6—MISCELLANEOUS

Assignment of pensions

51. Subject to sections 44A and 52 pensions, benefits and payments under this Act shall not be in any way assigned, charged, taken in execution, attached, or passed by operation of law or otherwise howsoever to any person other than the beneficiary or payee, nor shall any claim be set off against the same, and any moneys payable out of the fund on the death of a member, beneficiary or payee shall not be assets for the payment of the member's debts or liabilities.

When fund charged with defalcations by contributors

52. If any contributor ceases employment as a member by reason of—

- (a) his or her dismissal from the police service in relation to misappropriation of moneys or other property; or
- (b) his or her retirement from the police service after a charge for an offence in relation to misappropriation of moneys or other property has been made against the contributor and before the charge has been disposed of according to law;

the amount—

- (c) of the moneys or value of the property; or
- (d) of any sum which, at the trial of the contributor upon a charge for such an offence, the court has ordered to be paid by the contributor;

shall be a first charge upon any moneys payable in relation to the contributor from the fund by reason of such cessation of employment and may be deducted therefrom.

Determination of questions arising under this Act

53.(1) If a question arises as to—

- (a) whether any remuneration or emolument periodically received by a member is to be regarded as part of the member's salary for the

purposes of this Act; or

- (b) the rate of a member's salary as at any particular time; or
- (c) the nature or length of a member's service;

the question shall be determined by the board.

(2) Whenever any question arises under this Act as to the incapacity of a contributor or other person who is in receipt of incapacity pension, or as to whether in any case incapacity is due to wilful action on the part of the contributor or other person concerned for the purpose of obtaining incapacity pension or other benefit, the question shall be determined by the board (whether before or after the retirement of the contributor) upon consideration of a report from a medical practitioner or medical practitioners appointed by the board.

(3) Before determining such a question as is referred to in subsection (2) adversely to the contributor or pensioner the board shall give him or her an opportunity to be heard, and shall consider any medical report or other evidence the contributor or pensioner may then submit to it.

Settlement of disputes

54.(1) Any dispute under this Act shall be determined in the first place by the board.

(1A) But any person aggrieved by a decision of the board may appeal to the Supreme Court constituted by a single judge of that court.

(2) An appeal under this section shall not lie unless it is instituted within 30 days after the giving to the person aggrieved notice of the decision appealed against, and such a notice sent by post shall, unless the contrary be proved, be deemed to have been so given when it would have been delivered in the ordinary course of post.

(3) An appeal under this section shall be instituted by filing in the Supreme Court registry a notice of appeal.

(4) The power to make rules of the Supreme Court includes power to make rules providing and regulating practice and procedure in respect of appeals to a judge of that court under this section.

(5) Until such rules are made, or so far as such rules do not extend, a

judge of the court may, in the particular case, give such directions as the judge deems fit, and the directions shall, according to their tenor, have the force and effect of rules made under this section for the purposes hereof.

(6) An appeal under this section shall be by way of rehearing, and the judge hearing the same may confirm the decision of the board or uphold the appeal and make such order or orders with respect to the subject matter of the appeal as the judge deems necessary or expedient to give effect to the judge's decision upon appeal.

(7) The decision of the court shall be final and conclusive and without appeal.

(8) The judge may make such order as to costs to be paid by either party to the appeal as the judge thinks just.

(9) Any order made as to costs under subsection (8) may be enforced in the same manner as a judgment of the Supreme Court.

Unclaimed moneys

55.(1) The unclaimed moneys account continued in existence and established under the 1968 Act shall continue in existence as, and under the same name be, the unclaimed moneys account established under and for the purposes of this Act.

(2) Any moneys payable under this Act or the 1968 Act which have not been claimed within 6 months from the date on which such moneys have or may become payable, shall be placed to the credit of the unclaimed moneys account.

(3) At any time within 6 years after any moneys have (whether under this Act or the 1968 Act) been placed to the credit of such account the board may, on proof to its satisfaction that any contributor or other person is entitled to any such moneys, direct payment thereof to that person.

(4) All moneys placed to the credit of the unclaimed moneys account in respect of which a claim is not established within 6 years after having been placed to the credit of such account shall form part of the fund, and the contributor or other person concerned shall cease to have any right or title to such moneys.

(4A) But the board may allow and pay any claim after such period of

6 years has expired upon being satisfied that special reasons exist for the allowance of the claim.

(5) If any of the moneys paid to a claimant under this section are afterwards claimed by any other person, the board shall not be responsible for the payment of the same, but such person may have recourse against the claimant to whom the board has paid the moneys.

Barring of claims for compensation

56. No person shall be deemed to be entitled to any compensation by reason of any alteration in any prescribed amount of pension or other payment or of any contribution under this Act, which may lawfully be made in consequence of any actuarial investigation or otherwise.

Fund to be exempt from taxation

57.(1) The income of the fund shall not be subject to any tax imposed by any law of this State.

(2) All contributions and moneys paid to the fund under this Act and all payments out of the fund on any account whatsoever shall be exempt from any charge or duty whatsoever for or in respect of any income tax, stamp duty, probate or succession duty, or other tax or duty imposed by any law of this State.

Returns

58.(1) The commissioner of the police service shall furnish to the board such returns and other information with respect to members as the board at any time may require.

(2) The board may require a member or a pensioner at any time to furnish such evidence of age as the board may consider sufficient, and such other information as the board may require for the purposes of this Act.

(3) A member or pensioner who fails to comply with a requirement of the board under subsection (2) commits an offence against this Act, unless he or she proves that he or she had reasonable excuse for the failure.

Maximum penalty—1 penalty unit.

(4) If a pensioner fails to comply with a requirement of the board under subsection (2) and does not offer to the board a reasonable excuse for his or her failure the board may suspend payment of the pension to him or her until such time as the board's requirement is complied with to its satisfaction.

(4A) Where payment of a pension is suspended under this subsection the pension shall not be payable in respect of the period of suspension.

(5) For the purposes of this section, an excuse for failure by a member or pensioner to comply with a requirement of the board to the effect that he or she does not wish to furnish the evidence or information required or that furnishing the evidence or information required would prejudice the interests of the member, pensioner or other person under this Act shall not constitute a reasonable excuse.

(6) In this section—

“**pensioner**” means a person to whom a pension is payable under this Act.

Entitlements in respect of beneficiary who becomes a member

59.(1) A person who—

(a) being a contributor under this Act or the 1968 Act—

- (i) has retired within a period of 5 years immediately preceding the day on which the person would attain the age for retirement and has thereby become entitled to any payment on account of any entitlement under this Act or any benefit under the 1968 Act other than his or her entitlement to an incapacity pension under this Act or his or her incapacity benefit under the 1968 Act; or
- (ii) has retired or has been permitted to retire on the ground of incapacity and has converted the person's entitlement to an incapacity pension under this Act or the person's incapacity benefit under the 1968 Act into a lump sum payment;

again becomes a member; or

- (b) being a contributor under the *State Service Superannuation Act 1972* (“**the 1972 Act**”) or the *Public Service Superannuation Act 1958* (“**the 1958 Act**”), has retired or been retired and has

thereby become entitled to any payment on account of any entitlement under the 1972 Act or any benefit under the 1958 Act, and becomes a member; or

- (c) being a member of the Legislative Assembly, has ceased to be such a member and has thereby become entitled to any payment on account of any entitlement under the *Parliamentary Contributory Superannuation Act 1970* other than an entitlement under section 17(2) of that Act, and becomes a member;

is not obliged and shall not be permitted to contribute to the fund unless, in a case referred to in paragraph (b) or (c), within a period of 3 months after becoming a member, the person elects, by notice in writing given to the board, to become a contributor whereupon the person shall become and be a contributor in accordance with this Act on and from the date of the person becoming a member but, notwithstanding any other provision of this Act, the amount of the person's entitlement under this Act or of the entitlement under this Act of any other person arising by reason of the person being a contributor shall be reduced by an amount determined by the actuary, having regard to the amount of the subsidy component of the payment on account of any entitlement or benefit referred to in paragraph (b) or (c).

(2) In this section—

“subsidy component”, in relation to a payment, means that part of the payment that is not financed by the contribution of the contributor or, in the case of a payment under the *Parliamentary Contributory Superannuation Act 1970*, by the deductions from the salary of the member.

Medical examinations

60.(1) Every person who on or after the commencement of this Act becomes a member and every member to whom section 3(b) relates shall, if the person is so required by the board, be medically examined by a medical practitioner before being accepted as a contributor.

(2) A person referred to in subsection (1) shall not contribute to the fund as a contributor if the board is not satisfied, after considering the report of the medical practitioner, that the health and physical condition of that person are such as to justify the person being accepted as such a contributor.

(3) Notwithstanding anything to the contrary contained in this Act and subject to section 40, where any person, member or contributor is required by or under this Act—

- (a) to be medically examined by a medical practitioner; or
- (b) to produce any medical evidence;

then the medical examination is to be made by, or, as the case requires, medical evidence is to be obtained from such medical practitioner as the board may appoint in that behalf (whether by naming the medical practitioner or by reference to the holder for the time being of any office), and a report of the medical examination or, as the case may be, the medical evidence is to be furnished by the medical practitioner or holder of the office to the board or, if the board so specifies, then to the person or authority specified.

(4) But where permitted by this Act and without derogating from the board's discretion to accept or to refuse to accept the result of that further medical examination or that further medical evidence, the person, member or contributor may have a further medical examination made or, as the case requires, further medical evidence obtained from some other medical practitioner.

Calculation of benefits based on contributions of members

61.(1) Where in this Act provision is made for the refund of, or for benefits based wholly or in part on, a member's contributions, those contributions include all contributions paid by the member up to the date of the member attaining the age for retirement or the member's earlier retirement or death, as the case may be, together with any contributions that the member may be required or permitted to pay that are paid by the member or on the member's behalf, after that date, but subject to the deduction of any contributions previously refunded to the member.

(2) Where such a provision relates to a contributor who has retired and has been re-employed, the contributions shall, subject to the express provisions of this Act, be calculated only from the date of the last re-employment of the contributor.

Discretionary powers of the board

62.(1) Where the board is satisfied, after such inquiry as it thinks necessary, that a person has lost or ceased to be entitled to a right, privilege, or benefit under this Act to which the person was otherwise entitled or might have obtained, by reason of the person being unaware of the availability of the right, privilege or benefit or of circumstances substantially beyond the person's control that prevented the person being entitled to the right, privilege or benefit, and that it is just and equitable that the person should be allowed to have the enjoyment of the right, privilege, or benefit, the board may permit the person to exercise the right or grant to the person the privilege or benefit notwithstanding that the time prescribed for doing any action in relation thereto may have expired.

(2) The board may, in the exercise of its powers under subsection (1) impose such conditions and requirements as it may think just.

(3) Notwithstanding anything contained in this Act, where an application, election or notice under this Act has been or is made or given to the board before the commencement, or after the expiration, of the prescribed period, and the board is satisfied that—

- (a) hardship would accrue to a person or the person's dependants if the same were not recognised; and
- (b) in all the circumstances of the case it is desirable that the same should be recognised;

the board may recognise the application, election or notice, as the case may be, as if it had been made within the prescribed period.

(4) Where a person ceases to be a member but before the expiration of 1 month after ceasing again becomes a member, the person may, where the board so approves (whether subject to conditions or unconditionally) on the application in writing of that person, be permitted to contribute to the fund in respect of the period between the person ceasing to be a member and the person again becoming a member and where a person is permitted to contribute to the fund under this subsection that person shall for the purposes of this Act be deemed to be and to have been a member during the period in respect of which the person so contributes and this Act shall apply in relation to the person accordingly.

Provisions in respect of member accidentally excluded from contributing

63.(1) Where, by reason of a mistake or an omission of an officer of the Police Department or by reason of an accident, the name of a member has not been communicated to the board and the member has reached the age for retirement, or has died while still a member without having contributed to the fund, pension is payable to or in respect of that member in accordance with this section.

(2) Where a member, if the member had been allowed to contribute to the fund in accordance with this Act, would have had any right of election under this Act the Minister, on the recommendation of the board, may direct that the member shall be deemed to have exercised the right of election to the greatest advantage of himself or herself and the member's dependants and pension is thereupon payable accordingly as from the date of the member's retirement or death, as the case may be.

(3) A pension that is payable under this section is subject to the payment by the pensioner to the board of the contributions that would have been payable by the pensioner while the pensioner was a member if no mistake, omission, or accident had occurred and the pensioner had made the election (if any) that the pensioner is deemed in accordance with this section to have made and of interest thereon that would have accrued to the fund had the contributions been duly paid; and the board may deduct the amount of those contributions and interest from any moneys payable to the pensioner in such manner and at such times as it may think fit.

(4) Where any mistake, omission, or accident referred to in subsection (1) is discovered before the retirement or death of the member in respect of whom it occurred the member is entitled to exercise, within such time not exceeding 6 months after the discovery thereof as the board may allow, any right of election to which the member would have been entitled if the mistake, omission, or accident had not occurred, but subject to the payment by the member to the board of the contributions that the member would have made in that event up to the date of the member's entry to the fund and of interest thereon that would have accrued to the fund had the contributions been duly paid.

Rates or amounts of pensions etc. to be rounded off

64. Where the rate or amount of a pension under this Act, when expressed in dollars and cents, leaves a number of cents remaining, the board shall round off that rate or amount to the nearest cent and the pension is payable in terms of that rate or amount as so rounded off.

No interest on certain payments

65.(1) Interest is payable on a lump sum payment made out of the fund only if—

- (a) the payment of interest on the payment is authorised by this Act; or
- (b) the board determines that interest is payable on the payment.

(2) If the board makes a determination under subsection (1)(b), the board must also determine the rate of interest.

False declarations

66.(1) No person shall—

- (a) in a certificate, return, declaration, or other document given or sent to, or lodged with, the board by or on behalf of that person for any of the purposes of this Act, knowingly furnish information as to the person's age or the state of the person's health that is false or misleading; or
- (b) for the purposes of a medical examination required to be undergone by the person under this Act, knowingly furnish the medical practitioner by whom the examination is made with information as to the state of the person's health or the person's medical history that is false or misleading.

Maximum penalty—2 penalty units.

(2) If a person is convicted of an offence against this section the board may—

- (a) in the case of a contributor, order—
 - (i) that the contributor shall forthwith cease to be a contributor

and that the contributor shall be ineligible, either permanently or for such time as the board may determine, to contribute to the fund; or

- (ii) if the contributor's contributions have not commenced—that the contributor be ineligible to commence to contribute to the fund either permanently or for such time as the board may determine; or
- (b) in the case of a pensioner—order that his or her pension be cancelled forthwith and that no refund of the pensioner's contributions be made to the pensioner; or
- (c) in the case of a person other than a contributor or pensioner—order that that person be ineligible to commence to contribute to the fund either permanently or for such time as the board may determine.

(3) Where pursuant to this section the board orders that a contributor shall cease to be a contributor, it shall make to the contributor a refund of the contributor's contributions accumulated from 1 July 1990 at the net earning rate of the fund compound.

(4) Where the board makes a determination under this section in respect of a member whereby the member is precluded from contributing to the fund for a time only, any service by the member during that time shall be disregarded in the calculation of the member's service for the purpose of determining the member's entitlement, or that of a person deriving an entitlement through the member, to pension or other benefits under this Act.

Information to contributors

66A. The board is to supply in writing to each contributor—

- (a) on becoming a contributor; and
- (b) after the close of each financial year; and
- (c) upon ceasing to be a contributor;

a statement containing such information as the board considers necessary or desirable to give that contributor reasonable knowledge of that contributor's entitlements from the fund.

Regulation making power

67.(1) The Governor in Council may make regulations under this Act.

(2) A regulation may be made about any of the following matters—

- (a) how benefits are to be paid;
- (b) the duties of the manager and other officers appointed under this Act;
- (c) payments by contributors absent on leave without salary.

(3) A regulation may create offences and prescribe penalties of not more than 2 penalty units for each offence.

(4) To ensure the fund is, or continues to be, a complying superannuation fund under the *Superannuation Industry (Supervision) Act 1993* (Cwlth), a regulation may change the application of this Act to the fund.

(5) For subsection (4), a regulation may be given retrospective operation.

(6) A regulation made under subsection (4) expires 1 year after it is made.

Board may approve forms

68. The board may approve forms for use under this Act.

PART 7—SAVINGS AND TRANSITIONAL**Application of Act No. 58 of 1968**

69.(1) The *Police Superannuation Act 1968* (the “**said Act**”) shall apply subject to this section.

(2) The said Act does not apply to or in relation to—

- (a) a person who becomes a member on or after the commencement of this Act; or
- (b) a person who became a member before the said commencement and who had not become a contributor to the fund under the said

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Act before that commencement (not being a member who had elected, or was required, to contribute to the fund but had not commenced the person's contribution before that commencement); or

- (c) the widow or any child of any person referred to in paragraph (a) or (b).

(3) Subject to subsection (5), no person shall be entitled or required or permitted to contribute for units of benefits under the said Act other than—

- (a) the units of benefits for which the person was contributing immediately before the commencement of this Act; and
- (b) units of benefits for which the person was before the commencement of this Act required to contribute to the fund by reason of an increase of the person's salary but for which on the said commencement the person had not commenced to contribute; and
- (c) units of benefits in respect of which, being thereunto authorised or entitled under the said Act before the commencement of this Act, the person makes or has made an election (whether before or after the commencement of this Act) within the time prescribed therefor by the said Act or, where no time is so prescribed, before the said commencement but for which on the said commencement the person had not commenced to contribute.

(4) Nothing in this section precludes the board from exercising its powers and functions under the said Act in relation to contribution by a member for units of benefits under the said Act to which subsection (3)(b) or (c) or subsection (5) relates.

(5) At any time before the expiration of a period of 6 months commencing on the commencement of this Act, a continuing contributor may make any election under and in accordance with section 26 of the said Act that the contributing contributor was eligible to make immediately before the commencement of this Act and subject to the said section the contributing contributor may increase his or her contribution to the fund accordingly.

(6) Where the time prescribed by the said Act not later than which a member may make an election under section 24 thereof in respect of units

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of benefits expired on the day immediately before the commencement of this Act, such units of benefits shall be deemed to be units of benefits in respect whereof a continuing contributor may make an election pursuant to subsection (5).

(7) The obligation to contribute to the fund under the said Act by a continuing contributor shall be in respect of—

- (a) the units of benefits and other benefits for which the contributor was contributing under the said Act immediately before the commencement of this Act; and
- (b) units of benefits referred to in subsection (3)(b) or (c) for which the contributor commences to contribute under the said Act after the commencement of this Act; and
- (c) the units of benefits under the said Act in respect whereof the contributor increases his or her contribution to the fund pursuant to subsection (5);

and shall, subject to the said Act, be at the rates of contribution prescribed therefor by the said Act immediately before the commencement of this Act.

SCHEDULE 2**PART 1—COMMUTATION FACTORS**

section 45

Column 1		Column 2
Age in years and complete months at date of retirement		
Years	Months	Commutation factor
55	0	365.3
55	1	364.4
55	2	363.5
55	3	362.7
55	4	361.8
55	5	360.9
55	6	360.0
55	7	359.2
55	8	358.3
55	9	357.4
55	10	356.6
55	11	355.7
56	0	354.8
56	1	354.0
56	2	353.1
56	3	352.2
56	4	351.3
56	5	350.5
56	6	349.6
56	7	348.7
56	8	347.9
56	9	347.0
56	10	346.1
56	11	345.3

SCHEDULE 2 (continued)

57	0	344.4
57	1	343.5
57	2	342.6
57	3	341.8
57	4	340.9
57	5	340.0
57	6	339.2
57	7	338.3
57	8	337.4
57	9	336.6
57	10	335.7
57	11	334.8
58	0	334.0
58	1	333.1
58	2	332.2
58	3	331.3
58	4	330.5
58	5	329.6
58	6	328.7
58	7	327.9
58	8	327.0
58	9	326.1
58	10	325.3
58	11	324.4
59	0	323.5
59	1	322.6
59	2	321.8
59	3	320.9
59	4	320.0
59	5	319.2
59	6	318.3
59	7	317.4
59	8	316.6
59	9	315.7
59	10	314.8

SCHEDULE 2 (continued)

59	11	313.9
60	0	313.1

PART 2—COMMUTATION FACTORS

Column 1		Column 2
Age in years and complete months at date of retirement		
Years	Months	Commutation factor
55	0	391.4
55	1	390.5
55	2	389.6
55	3	388.7
55	4	387.9
55	5	387.0
55	6	386.1
55	7	385.3
55	8	384.4
55	9	383.5
55	10	382.7
55	11	381.8
56	0	380.9
56	1	380.0
56	2	379.2
56	3	378.3
56	4	377.4
56	5	376.6
56	6	375.7
56	7	374.8
56	8	374.0
56	9	373.1
56	10	372.2

SCHEDULE 2 (continued)

56	11	371.3
57	0	370.5
57	1	369.6
57	2	368.7
57	3	367.9
57	4	367.0
57	5	366.1
57	6	365.3
57	7	364.4
57	8	363.5
57	9	362.7
57	10	361.8
57	11	360.9
58	0	360.0
58	1	359.2
58	2	358.3
58	3	357.4
58	4	356.6
58	5	355.7
58	6	354.8
58	7	354.0
58	8	353.1
58	9	352.2
58	10	351.3
58	11	350.5
59	0	349.6
59	1	348.7
59	2	347.9
59	3	347.0
59	4	346.1
59	5	345.3
59	6	344.4
59	7	343.5
59	8	342.6
59	9	341.8
59	10	340.9

SCHEDULE 2 (continued)

59	11	340.0
60	0	339.2

SCHEDULE 2A**COMMUTATION FACTORS**

section 45

Age in years and complete months at date of retirement		Commutation factor	Age in years and complete months at date of retirement		Commutation factor
Years	Months		Years	Months	
57	0	344	58	10	325
	1	344		11	324
	2	343			
	3	342	59	0	324
	4	341		1	323
	5	340		2	322
	6	339		3	321
	7	338		4	320
	8	337		5	319
	9	337		6	318
	10	336		7	317
	11	335		8	317
				9	316
58	0	334		10	315
	1	333		11	314
	2	332			
	3	331			
	4	330			
	5	330			
	6	329			
	7	328			
	8	327			
	9	326			

SCHEDULE 2A (continued)

60 0	313	62 0	292
1	312		
2	311		
3	310		
4	310		
5	309		
6	308		
7	307		
8	306		
9	305		
10	304		
11	304		
61 0	303		
1	302		
2	301		
3	300		
4	299		
5	298		
6	297		
7	297		
8	296		
9	295		
10	294		
11	293		

SCHEDULE 3**COMMUTATION FACTORS**

section 45

Column 1		Column 2
Age in years and complete months at date of retirement		
Years	Months	Commutation factor
60	0	313
60	1	312
60	2	311
60	3	310
60	4	310
60	5	309
60	6	308
60	7	307
60	8	306
60	9	305
60	10	304
60	11	304
61	0	303
61	1	302
61	2	301
61	3	300
61	4	299
61	5	298
61	6	297
61	7	297
61	8	296
61	9	295
61	10	294
61	11	293

SCHEDULE 3 (continued)

62	0	292
62	1	291
62	2	290
62	3	290
62	4	289
62	5	288
62	6	287
62	7	286
62	8	285
62	9	284
62	10	284
62	11	283
63	0	282
63	1	281
63	2	280
63	3	279
63	4	278
63	5	277
63	6	277
63	7	276
63	8	275
63	9	274
63	10	273
63	11	272
64	0	271
64	1	270
64	2	270
64	3	269
64	4	268
64	5	267
64	6	266
64	7	265
64	8	264
64	9	264
64	10	263

SCHEDULE 3 (continued)

64	11	262
65	0	261

SCHEDULE 4**FACTORS FOR BENEFITS UPON DEATH OF
CONTRIBUTORS WHO DIE BEFORE AGE 55**

section 29

Contributor's age nearest birthday at date of death	Factor
Up to 25	139
26	143
27	147
28	151
29	155
30	159
31	163
32	167
33	171
34	175
35	179
36	183
37	187
38	191
39	195
40	199
41	203
42	207
43	211
44	215
45	219
46	222
47	224
48	227
49	230
50 to 55	233

SCHEDULE 4C**FACTORS FOR BENEFITS UPON DEATH OF
CONTRIBUTORS WHO DIE AT AGE 55 OR
BETWEEN AGES 55 AND 60**

section 29

Contributor's age in years and complete months at date of death		Factor	Contributor's age in years and complete months at date of death		Factor
Years	Months		Years	Months	
55	0	233	56	8	235
	1	233		9	235
	2	233		10	235
	3	233		11	235
	4	233			
	5	233	57	0	235
	6	233		1	235
	7	234		2	235
	8	234		3	235
	9	234		4	235
	10	234		5	235
	11	234		6	235
				7	235
56	0	234		8	235
	1	234		9	235
	2	234		10	235
	3	234		11	235
	4	234			
	5	235			
	6	235			
	7	235			

SCHEDULE 4C (continued)

58 0	235	59 0	235
1	235	1	235
2	235	2	235
3	235	3	235
4	235	4	235
5	235	5	235
6	235	6	235
7	235	7	235
8	235	8	235
9	235	9	235
10	235	10	235
11	235	11	235

SCHEDULE 4F**FACTORS FOR RELICTS OF PENSIONERS**

section 29

Relict's age nearest birthday at date of death of pensioner	Factor
Up to 24	104
25 to 29	122
30 to 34	139
35 to 39	157
40 to 59	174
60 to 64	157
65 to 69	139
70 to 74	122
75 to 79	104
80 to 82	87
83 to 85	74
86 to 88	65
89 to 91	57
92 to 94	48
95 to 97	39
98 to 100	30

ENDNOTES**1 Index to endnotes**

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 December 1995. Future amendments of the Police Superannuation Act 1974 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Police Superannuation Act 1974 No. 53

date of assent 27 September 1974

s 70(1) (but only in so far as it amends ss 42, 44, 51A and 65A of the Police Superannuation Act 1968) and s 70(4)–(8) commenced on date of assent (see s 1(2))

remaining provisions commenced 1 January 1975 (see s 1(3))

as amended by—

Police Superannuation Acts Amendment Act 1975 No. 47 pt 2

date of assent 9 October 1975

commenced on date of assent

Police Superannuation Acts Amendment Act 1977 No. 34 pt 2

date of assent 19 September 1977

commenced 29 August 1977 (see s 3)

Superannuation Acts Amendment Act 1978 No. 20 pt 4

date of assent 2 June 1978

commenced on date of assent

Police Superannuation Acts Amendment Act 1979 No. 60 pt 2

date of assent 18 December 1979

commenced 1 January 1980 (see s 2)

Superannuation Acts Amendment Act 1984 No. 14 pt 4

date of assent 27 February 1984
commenced on date of assent

Superannuation (Public Employees Portability and Acts Amendment) Act 1985 No. 35 pt 5

date of assent 17 April 1985
ss 1–2 commenced on date of assent (see s 2(1))
remaining provisions commenced 4 May 1985 (proc pubd gaz 4 May 1985 p 307)

Superannuation Acts Amendment Act 1987 No. 27 pt 5

date of assent 23 April 1987
commenced on date of assent

Superannuation Acts Amendment Act 1988 No. 45 pt 4

date of assent 3 May 1988
ss 26–27 commenced 1 July 1988 (see s 24)
remaining provisions commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989
commenced on date of assent

Superannuation Acts (Miscellaneous Amendments) Act 1990 No. 23 pt 6

date of assent 13 June 1990
ss 1.1–1.2 commenced on date of assent (see s 1.2(1))
remaining provisions commenced 14 June 1990 (proc pubd gaz 14 June 1990 p 833)

Superannuation (Miscellaneous Acts) Amendment Act 1991 No. 11 pt 6

date of assent 15 April 1991
s 6.1 commenced on date of assent
ss 6.2, 6.4–6.6 commenced 11 May 1991 (proc pubd gaz 4 May 1991 p 73)
s 6.3 commenced 1 July 1991 (proc pubd gaz 29 June 1991 p 1156)

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 sch 1

date of assent 17 December 1991
commenced on date of assent

Superannuation Legislation Amendment Act 1992 No. 31 pts 1, 3

date of assent 23 June 1992
commenced on date of assent

Superannuation Legislation Amendment Act 1993 No. 11 pts 1, 4

date of assent 28 May 1993
ss 11, 27 commenced 1 July 1992 (see s 2(1))
ss 12, 28 commenced 1 January 1993 (see s 2(2))
ss 14, 20, 33 commenced 18 June 1993 (1993 SL No. 207)
remaining provisions commenced on date of assent

Superannuation Legislation Amendment Act 1995 No. 27 pts 1, 6 s 21 sch 2

date of assent 14 June 1995

ss 1–2 commenced on date of assent

ss 24–25, 21 sch 2 commenced 14 June 1995 (see s 2(6))

s 28 not yet proclaimed into force

remaining provisions commenced 18 August 1995 (1995 SL No. 229)

Superannuation Legislation Amendment Act (No. 2) 1995 No. 53 pts 1, 4

date of assent 22 November 1995

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

5 List of annotations

Short title**prov hdg** amd R1 (see RA s 37)**s 1** amd R1 (see RA s 37)**Act to comply with prescribed standards****s 2** amd 1984 No. 14 s 70; 1987 No. 27 s 56

om 1991 No. 97 s 3 sch 1

pres s 2 ins 1992 No. 31 s 9

om 1995 No. 27 s 22

Application of Act**s 3** amd 1984 No. 14 s 71; 1987 No. 27 s 57**Members may elect****s 3A** ins 1992 No. 31 s 10**Act not to apply to certain members****s 3B** ins 1993 No. 11 s 12**Interpretation****prov hdg** amd 1987 No. 27 s 58(a)**s 4** amd 1977 No. 34 s 5(b)–(e); 1979 No. 60 s 5(b)–(e); 1984 No. 14 s 72(b)–(c); 1987 No. 27 s 58(b); 1991 No. 97 s 3 sch 1; 1993 No. 11 s 13def “**age for retirement**” amd 1985 No. 35 s 34

sub 1995 No. 27 s 23

def “**child**” amd 1977 No. 34 s 5(a)(i); 1984 No. 14 s 72(a)(i)–(ii)def “**commencement of this Act**” om 1995 No. 58 s 4 sch 1def “**final average increase in salary**” amd 1977 No. 34 s 5(a)(ii); 1979 No. 60 s 5(a)(i); 1984 No. 14 s 72(a)(iii)def “**final average salary**” amd 1977 No. 34 s 5(a)(iii); 1979 No. 60 s 5(a)(ii)

sub 1984 No. 14 s 72(a)(iv)

def “**manager**” amd 1995 No. 58 s 4 sch 1

- def **“medical practitioner”** om 1995 No. 58 s 4 sch 1
- def **“member”** sub 1990 No. 23 s 6.2(a)
amd 1995 No. 27 s 21 sch 2
- def **“Minister”** amd 1979 No. 60 s 5(a)(iii)
om 1991 No. 97 s 3 sch 1
- def **“net earning rate of the fund”** ins 1990 No. 23 s 6.2(b)
sub 1991 No. 11 s 6.2
- def **“pensioner”** ins 1984 No. 14 s 72(a)(v)
- def **“relict”** ins 1984 No. 14 s 72(a)(v)
- def **“relict’s pension”** ins 1984 No. 14 s 72(a)(v)
- def **“salary”** sub 1990 No. 23 s 6.2(c)
- def **“the 1968 Act”** sub 1984 No. 14 s 72(a)(vi)
- def **“widow’s pension”** om 1984 No. 14 s 72(a)(vii)

Ascertainment of certain final average salaries

s 4A ins 1984 No. 14 s 73

Administration

s 5 om 1995 No. 27 s 21 sch 2

Police Superannuation Board

s 6 sub 1993 No. 11 s 14

Chairperson of board

s 8 sub 1993 No. 11 s 15

Filling of casual vacancies

s 9 om 1993 No. 11 s 16

Deputies of members

s 10 sub 1993 No. 11 s 17

Vacation of office

s 11 amd 1993 No. 11 s 18

Remuneration

s 12 sub 1995 No. 27 s 21 sch 2

Manager of the fund

s 13 amd 1991 No. 11 s 6.3

Proceedings of the board

s 14 amd 1993 No. 11 s 19

Delegation

s 15 sub 1993 No. 11 s 20

Appointment of officers

s 17 amd 1995 No. 58 s 4 sch 1

The fund

s 18 amd 1977 No. 34 s 6; 1979 No. 60 s 6; 1984 No. 14 s 74; 1991 No. 97 s 3
sch 1; 1992 No. 31 s 11; 1995 No. 27 s 24

Investment of fund

s 18A ins 1995 No. 27 s 25

Triennial investigation by actuary**prov hdg** sub 1990 No. 23 s 6.3(a)**s 19** amd 1987 No. 27 s 59; 1990 No. 23 s 6.3(b); 1995 No. 58 s 4 sch 1**Disposal of surplus disclosed by investigation****s 20** om 1993 No. 11 s 21**Obligation of members to contribute to the fund and consolidated fund****prov hdg** amd 1984 No. 14 s 75(1)(a); 1993 No. 11 s 22(1)**s 21** amd 1979 No. 60 s 7; 1984 No. 14 s 75(1)(b); 1993 No. 11 s 22(2)–(5)**Commencement and cessation of contributions****s 22** amd 1977 No. 34 s 7; 1987 No. 27 s 60**Time and manner of paying contributions****s 23** amd 1977 No. 34 s 8; 1979 No. 60 s 8; 1984 No. 14 s 76; 1989 No. 103 s 3 sch; 1990 No. 23 s 6.4; 1993 No. 11 s 23**Rates of contribution****s 24** amd 1975 No. 47 s 4; 1977 No. 34 s 9; 1985 No. 35 s 35; 1993 No. 11 s 24; 1995 No. 27 s 21 sch 2**Provision for female contributors to contribute for benefits under pt 4, divs 2 and 3****s 24A** ins 1984 No. 14 s 77

amd 1987 No. 27 s 61

Further provisions re contributions**s 25** amd 1975 No. 47 ss 6, 12; 1984 No. 14 s 78; 1985 No. 35 s 36; 1988 No. 45 s 25; 1989 No. 103 s 3 sch; 1993 No. 11 s 25; 1995 No. 27 s 21 sch 2**Calculation of service****s 26** amd 1979 No. 60 s 9; 1984 No. 14 s 79; 1985 No. 35 s 37; 1987 No. 27 s 63; 1995 No. 27 s 21 sch 2**Rights of contributors****s 27** amd 1975 No. 47 s 7; 1977 No. 34 s 10; 1979 No. 60 s 10; 1985 No. 35 s 38; 1987 No. 27 s 63; 1988 No. 45 s 26; 1989 No. 103 s 3 sch; 1990 No. 23 s 6.5; 1995 No. 27 s 21 sch 2**Rights of continuing contributors****s 28** amd 1975 No. 47 s 8; 1977 No. 34 s 11; 1979 No. 60 s 11; 1985 No. 35 s 39; 1987 No. 27 s 64; 1988 No. 45 s 27; 1995 No. 27 s 21 sch 2**Construction of pension benefit formula in certain cases and transfer of funds****s 28A** ins 1988 No. 45 s 28

amd 1991 No. 11 s 6.4; 1993 No. 11 s 26

Minimum benefit payable**s 28B** ins 1993 No. 11 s 27

amd 1995 No. 27 s 26

Division 2—Benefits upon contributor's death**div hdg** sub 1984 No. 14 s 80; 1985 No. 35 s 40; 1987 No. 27 s 65

Entitlement to benefit

- s 29** amd 1977 No. 34 s 12
 sub 1984 No. 14 s 80; 1985 No. 35 s 40
 amd 1987 No. 27 s 66; 1989 No. 103 s 3 sch; 1995 No. 27 s 21 sch 2

Relicts' right to substitute pension for entitlement

- s 29A** ins 1984 No. 14 s 81
 sub 1985 No. 35 s 40

Benefit for non-dependent relicts

- s 29B** ins 1984 No. 14 s 82
 om 1985 No. 35 s 40

Child's pensions—when payable

- s 30** amd 1975 No. 47 s 9; 1977 No. 34 s 13; 1984 No. 14 s 83; 1985 No. 35 s 42; 1987 No. 27 s 67; 1989 No. 103 s 3 sch; 1991 No. 97 s 3 sch 1

Commencement and cessation of children's pensions

- s 31** amd 1977 No. 34 s 14; 1984 No. 14 s 84; 1987 No. 27 s 68

Persons to whom a child's pension is payable

- s 32** amd 1984 No. 14 s 85

Refund of contributions

- s 33** amd 1979 No. 60 s 12; 1984 No. 14 s 86; 1985 No. 35 s 43; 1988 No. 45 s 29; 1989 No. 103 s 3 sch; 1990 No. 23 s 6.6; 1991 No. 11 s 6.5; 1991 No. 97 s 3 sch 1; 1993 No. 11 s 28; 1995 No. 27 ss 27, 21 sch 2

Adjustment of pensions

- s 34** amd 1977 No. 34 s 15; 1984 No. 15 s 87; 1995 No. 27 s 21 sch 2; 1995 No. 58 s 4 sch 1

Variation of entitlement to adjustment

- s 34A** ins 1984 No. 14 s 88

Proof of continued incapacity

- s 40** amd 1984 No. 14 s 89

Incapacity pension may be suspended during employment

- s 42** amd 1979 No. 60 s 13

Right to prepay contributions

- s 44** amd 1979 No. 60 s 14

Recovery of overpayments

- s 44A** ins 1977 No. 34 s 16

Right of contributor to convert contributor's pension into a lump sum

- s 45** amd 1975 No. 47 s 10; 1977 No. 34 s 17; 1979 No. 60 s 15; 1984 No. 14 s 90; 1985 No. 35 s 44; 1987 No. 27 s 69; 1989 No. 103 s 3 sch; 1995 No. 27 s 21 sch 2

Endowment benefit in lieu of relict's pension

- s 46** sub 1984 No. 14 s 91

Division 8—Elections to surrender potential relicts' entitlements of pre-1984 members and married relicts' entitlements

div hdg ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Definitions for div 8

s 47 prev s 47 om 1984 No. 14 s 92
 ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Election to surrender potential relict's entitlement

s 47A ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Election to surrender married relict's entitlement

s 47B ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Making of election to surrender

s 47C ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Effect of surrender

s 47D ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Application of Acts Interpretation Act 1954, s 20A, to division

s 47E ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Expiry of division

s 47F ins 1995 No. 53 s 8
exp 22 November 1996 (see s 47F)
 AIA s 20A applies (see s 47E)

Cost of administration

s 48 amd 1988 No. 45 s 30; 1993 No. 11 s 29

Amount of contribution by the Crown

s 49 amd 1975 No. 47 s 11; 1977 No. 34 s 18; 1979 No. 60 s 16; 1993 No. 11 s 30

Accounts to be kept by the board

s 50 amd 1979 No. 60 s 17

Assignment of pensions

s 51 amd 1977 No. 34 s 19

Settlement of disputes

s 54 om 1995 No. 27 s 28

Unclaimed moneys

s 55 sub 1995 No. 27 s 28

Returns

s 58 sub 1984 No. 14 s 93
amd 1995 No. 58 s 4 sch 1

Preservation of rights of certain members

s 58A ins 1978 No. 20 s 38
amd 1979 No. 60 s 18
om 1985 No. 35 s 45

Payment by Board to State Service Superannuation Additional Benefits Fund

s 58B ins 1978 No. 20 s 38
om 1985 No. 35 s 45

Entitlements in respect of beneficiary who becomes a member

prov hdg sub 1985 No. 35 s 46(a)
s 59 sub 1984 No. 14 s 94
amd 1985 No. 35 s 46(b)–(c)

Medical examinations

s 60 amd 1984 No. 14 s 95

Discretionary powers of the board

s 62 amd 1977 No. 34 s 20; 1979 No. 60 s 19; 1984 No. 14 s 96

Rates or amounts of pensions etc. to be rounded off

s 64 amd 1977 No. 34 s 21

No interest on certain payments

s 65 sub 1993 No. 11 s 31

False declarations

s 66 amd 1990 No. 23 s 6.7; 1995 No. 27 s 29; 1995 No. 58 s 4 sch 1

Information to contributors

s 66A ins 1990 No. 23 s 6.8
amd 1995 No. 58 s 4 sch 1

Mandatory commutation

s 66B ins 1991 No. 11 s 6.6
om 1995 No. 27 s 30

Regulation making power

s 67 sub 1995 No. 27 s 30

Board may approve forms

s 68 amd 1984 No. 14 s 97
sub 1995 No. 27 s 30

PART 7—SAVINGS AND TRANSITIONAL

pt hdg sub 1993 No. 11 s 32

Members of Board cease to hold office

s 70 sub 1993 No. 11 s 33
om 1995 No. 27 s 21 sch 2

SCHEDULE 1—AMENDMENTS OF THE POLICE SUPERANNUATION ACT 1968

om R1 (see RA s 40)

SCHEDULE 2

ins 1979 No. 60 s 20
amd 1985 No. 35 s 49

SCHEDULE 2A—COMMUTATION FACTORS

ins 1985 No. 35 s 47

SCHEDULE 3—COMMUTATION FACTORS

ins 1979 No. 60 s 20

SCHEDULE 4—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE BEFORE AGE 55

sch hdg amd 1987 No. 27 s 70; 1995 No. 27 s 21 sch 2
ins 1985 No. 35 s 48

SCHEDULE 4A—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHOSE AGE FOR RETIREMENT IS 62 YEARS AND WHO DIE BEFORE AGE 57

sch hdg amd 1987 No. 27 s 70
ins 1985 No. 35 s 48
om 1995 No. 27 s 21 sch 2

SCHEDULE 4B—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHOSE AGE FOR RETIREMENT IS 65 YEARS AND WHO DIE BEFORE AGE 60

sch hdg amd 1987 No. 27 s 70
ins 1985 No. 35 s 48
om 1995 No. 27 s 21 sch 2

SCHEDULE 4C—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHO DIE AT AGE 55 OR BETWEEN AGES 55 AND 60

sch hdg amd 1987 No. 27 s 70; 1995 No. 27 s 21 sch 2
ins 1985 No. 35 s 48

SCHEDULE 4D—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHOSE AGE FOR RETIREMENT IS 62 YEARS AND WHO DIE AT AGE 57 OR BETWEEN AGES 57 AND 62

sch hdg amd 1987 No. 27 s 70
ins 1985 No. 35 s 48
om 1995 No. 27 s 21 sch 2

SCHEDULE 4E—FACTORS FOR BENEFITS UPON DEATH OF CONTRIBUTORS WHOSE AGE FOR RETIREMENT IS 65 YEARS AND WHO DIE AT AGE 60 OR BETWEEN AGES 60 AND 65

sch hdg amd 1987 No. 27 s 70

ins 1985 No. 35 s 48
om 1995 No. 27 s 21 sch 2

SCHEDULE 4F—FACTORS FOR RELICTS OF PENSIONERS

ins 1985 No. 35 s 48

6 Table of changed names and titles

TABLE OF CHANGED NAMES AND TITLES
under the Reprints Act 1992 ss 23 and 23A

Old	New	Reference provision
commissioner (of police)	commissioner (of the police service)	Police Service Administration Act 1990 s 11.1(1)(b)
consolidated revenue	consolidated fund	Financial Administration and Audit Act 1977 s 112
police force	police service	Police Service Administration Act 1990 s 11.1(1)(a)

7 Table of changed citations and remade laws

TABLE OF CHANGED CITATIONS AND REMADE LAWS
under the Reprints Act 1992 ss 21A and 22

Old	New	Reference provision
Public Service Act 1922	Public Service Management and Employment Act 1988	Public Service Management and Employment Act 1988 s 38(1)

8 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references included in citation of law	Acts Interpretation Act 1954 s 14H
references to Queensland implied	Acts Interpretation Act 1954 s 35

9 Table of corrected minor errors

TABLE OF CORRECTED MINOR ERRORS under the Reprints Act 1992 s 44

Provision	Description
33(2C)(a)	om 'subsection (2)(a) or (2)(b) apply' ins 'subsections (2)(a) or (2)(b) applies'

10 Table of renumbered provisions

TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

Previous	Renumbered as
4A, 1st sentence	4A(1)
4A, definitions	4A(2)
13(1), 2nd sentence	13(1A)
21(3), 2nd sentence	21(3AA)
22(2), 1st unnum para	22(2)(a)
22(2), 2nd unnum para	22(2)(b)
22(2), 3rd unnum para	22(2)(c)
23(2A), 2nd sentence	23(2B)
27(2), definitions	27(2A)
27(6A), definitions	27(6AA)
28(2), definitions	28(2A)
29(1)(i)	29(1)(d)

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29(1)(ii)	29(1)(e)
29(1), 1st definitions	29(1A)
29(1), 2nd definitions	29(1B)
29(2)(c), 1st unnum subpara	29(2)(c)(i)
29(2)(c), 2nd unnum subpara	29(2)(c)(ii)
29(2), definitions	29(2A)
29(5), 2nd sentence	29(6)
29(5), 3rd sentence	29(7)
29A(1), definitions	29A(1A)
29A(1), def "B" (i)	29A(1A), def "B" (a)
29A(1), def "B" (ii)	29A(1A), def "B" (b)
29A(2), 1st unnum para	29A(2)(a)
29A(2), 2nd unnum para	29A(2)(b)
29A(2), 3rd unnum para	29A(2)(c)
29A(7), 2nd sentence	29A(7A)
29A(7), 2nd sentence, 1st unnum para	29A(7A)(a)
29A(7), 2nd sentence, 2nd unnum para	29A(7A)(b)
30(2)(g), 1st unnum subpara	30(2)(g)(i)
30(2)(g), 2nd unnum subpara	30(2)(g)(ii)
30(2)(ga), 1st unnum subpara	30(2)(ga)(i)
30(2)(ga), 2nd unnum subpara	30(2)(ga)(ii)
30(3), proviso	30(3A)
30(3), 2nd sentence	30(3B)
30(5), definitions	30(5A)
33(2), 2nd sentence	33(2AA)
33(2), 2nd sentence, 1st unnum para	33(2AA)(a)
33(2), 2nd sentence, 2nd unnum para	33(2AA)(b)
33(2A), definitions	33(2AAA)
33(2B), 2nd sentence	33(2BAA)
33(2C), 2nd sentence	33(2CA)
34(8), definitions	34(8A)
34A(2), 2nd sentence	34A(2A)
34A(2), 3rd sentence	34A(2B)
45(2A), 2nd sentence	45(2B)
54(1), 2nd sentence	54(1A)
55(4), 2nd sentence	55(4A)
58(4), 2nd sentence	58(4A)
58(5)(b)	58(6)
59, 1st sentence	59(1)
59, 2nd sentence	59(2)
60(3), 2nd sentence	60(4)

11 Transitional and savings provisions

Superannuation (Public Employees Portability and Acts Amendment) Act 1985 No. 35 s 41 provides—

Preservation of existing entitlements

41. Entitlements that have arisen under the Principal Act shall continue to be governed by the Principal Act as if sections 29, 29A and 29B of that Act had not been repealed by this Act and, in addition, in the application of section 29A of that Act to any such entitlement, as if the following subsection had been added to section 29A:—

“(5) Where an entitlement to a relict’s pension had by reason of the death of a contributor or pensioner has ceased after the commencement of the *Superannuation Acts Amendment Act 1984* and revived as prescribed by section 29, this section does not apply in respect of the entitlement, upon this revival, derived through the same contributor or pensioner.”.

Superannuation Acts Amendment Act 1987 No. 27 s 71 provides—

Interpretative declaration

71. It is hereby declared that the amendments provided for by section 37 of the *Superannuation (Public Employees Portability and Acts Amendment) Act 1985* relate and always have, since the commencement of that Act, related to section 26 of the *Police Superannuation Act 1974–1984* and not to section 37 of the last-mentioned Act as expressed in section 37 of the first-mentioned Act.

12 Provisions that have not commenced and are not incorporated into reprint

The following provisions are not incorporated in this reprint because they had not commenced before the reprint date (see Reprints Act 1992 s 5(c)).

Superannuation Legislation Amendment Act 1995 No. 27 s 28 reads as follows—

Replacement of ss 54 and 55

28. Sections 54 and 55—

omit, insert—

‘Unclaimed benefits

‘55.(1) This section applies if a benefit payable under this Act is not claimed by a person entitled to it (the **“beneficiary”**) within 6 months after it becomes payable.

‘(2) The Board must keep the benefit in the fund for the beneficiary.

‘(3) The Board may pay a person the benefit only if the Board is satisfied the person is the beneficiary.

‘(4) Payment of a benefit to a person (the **“first claimant”**) under this section releases the Board from the obligation to pay another person (a **“subsequent claimant”**) a further benefit from the fund in relation to a member.

‘(5) Subsection (4) does not prevent the subsequent claimant from claiming the amount of the value of the benefit from the first claimant.

‘(6) In this section—

“benefit” includes interest payable on the benefit at the rate decided by the Board.’.